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SPECIAL RAPPORTEUR ON IRAQ PRESENTS REPORT TO COMMISSION ON HUMAN RIGHTS

GENEVA, 28 February (UN Information Service) -- The Special Rapporteur on the situation of human rights in Iraq, Max van der Stoel, today presented his third report to the Commission on Human Rights. The report addressed allegations of violations affecting both the population in general, and specific ethnic and religious communities. The Special Rapporteur concluded that a wide variety of violations have occurred and continued on a massive scale.

The report of the Special Rapporteur addresses in detail allegations of: summary or arbitrary executions; torture; arbitrary arrest and detention; violations of the freedoms of opinion, expression, association, movement and residence; violations of the rights to nationality, property, food and health; violations of the rights pertaining to democratic governance; and violations of the rights of women and children. Specific communities discussed include the Assyrians, Kurds, Marsh Arabs, Shiah and Turkomans.

On the economic situation in Iraq, particularly, the problem of access to adequate food and health care, the Special Rapporteur reconfirmed his conclusion that the Government of Iraq remained responsible for shortages and restrictions there. The Special Rapporteur observed, as he has in the past, that, according to paragraph 3(c) of Security Council resolution 661 of 4 August 1990, there were no sanctions on food or medicaments. The Government of Iraq was obliged to accept humanitarian assistance pursuant to Security Council resolution 688 of 5 April 1991 and might enlarge the resources available to purchase food items and medicaments by taking advantage of the "food for oil" formula contained in Security Council resolutions 706 (1991) and 712 (1991): the Government had chosen not to do so. The Rapporteur further observed that the Government maintained a strict internal embargo against the Kurdish territory and a de facto embargo against the southern marshes. The elites within the country appeared protected; the Government had used its resources to rebuild military forces and security apparatus.

On situations in the northern Kurdish territory and the southern marsh area, the Special Rapporteur expressed serious concern for the fate of the people, both in the context of present policies and future governmental action. In that connection, the Special Rapporteur reported on his continuing study of

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millions of official Iraqi documents captured by Kurdish groups during the March 1991 uprisings. On the basis of his examinations, the Special Rapporteur concluded that the Government had committed the most serious of human rights violations against the Kurds during the 1988 Anfal operations. As long as the same system of Government, directed by the same personalities, remained in Iraq, the fate of the Kurds and the Marsh Arabs against whom a military campaign was in progress was a matter of grave concern.

The main cause of human rights violations in Iraq was its system of government which centralizes all power in the hands of a small number of persons who were unaccountable for their actions, the Rapporteur concluded, after examining "the structure of power" and "the abuse of power" in Iraq.

The Rapporteur repeated all his previous recommendations and added many more relating to the existence of specific laws, practices and the order of government. The Special Rapporteur repeated his appeal for the stationing of human rights monitors throughout Iraq.

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2 March 1994

# HUMAN RIGHTS COMMISSION CONTINUES TO DEBATE PROMOTION OF HUMAN RIGHTS

## Speakers Focus on Women, Sexual Violence, Evolving Family Life

GENEVA, 28 February (UN Information Service) -- The Commission on Human Rights, in an extended meeting this afternoon, continued to hear statements on the questions of promotion of human rights and fundamental freedoms and on advisory services in human rights.

Several speakers expressed concern over the increased violations of the human rights of women in many regions of the world. Women were vulnerable to the legislation enacted by some States which, in many cases, demoted them to second class citizens. Sexual violence and other cultural practices had also degraded the dignity of women who were without any protection, said representatives of a number of non-governmental organizations who took the floor. States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations in this regard, the Netherlands' delegation said.

The evolution of the conditions of family life was more and more degrading and tending to a breakdown, said the observer for the Holy See. Poverty, unemployment and lack of shelter were the main causes of that negative tendency which led to a precarious life. The deterioration of fundamental family values was contributing to the breakup of the family, he noted. The family should continue to be the ground upon which the rights of the individual were fully respected.

The observer for Iraq stated that Special Rapporteurs should accomplish their tasks in accordance with the resolutions which established their mandates and should avoid involving themselves in political arguments. The principles of fundamental freedoms and human rights had to be disseminated under the auspices of the United Nations, together with national institutions, he affirmed.

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The following States participated in the debate: New Zealand, Malta, the Holy See, the Czech Republic, Algeria, Iraq, Norway, Togo, Libya, the Russian Federation, Costa Rica, Peru, Greece, the Netherlands, Poland, Nigeria and the Republic of Korea.

Representatives of the following non-governmental organizations also spoke: Andean Commission of Jurists, World Society of Victimology, Latin American Federation of Associations of Relatives of Disappeared Detainees, Minority Rights Group, Christian Democrat International, International Movement against All Forms of Discrimination and Racism, International Movement ATD Fourth World, International Falcon Movement, World Movement of Mothers, Humanitarian Law Project, Refugee Policy Group, International Work on Indigenous Affairs, All Indian Women's Conference, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, World Muslim Congress, World Association for the School as an Instrument of Peace, and Women's International League for Peace and Freedom.

Statements in Debate

ALASTAIR M. BISLEY (New Zealand) supported the establishment of a Special Rapporteur on violence against women, including its causes and consequences. The Special Rapporteur should seek and receive information from the full range of potential sources and, in particular, women's groups, and recommend measures to eliminate violence against women. An important element in effective mainstreaming was the submission by Governments to the various mechanisms and treaty bodies of gender disaggregated data, addressing both the de jure and de facto situation of women.

Regarding the appointment of Special Rapporteurs, Special Representatives, and members of Working Groups, he noted the disappointing current gender imbalance and hoped that appropriately qualified women would be considered. He also hoped that this Commission would request the Centre for Human Rights to train United Nations human rights and humanitarian relief personnel to assist them to recognize and deal with human rights violations particular to women.

MARTIN VALENTINO (Malta) said that the Centre for Human Rights should continue its efforts to increase cooperation with other organizations in the field of human rights, but should receive adequate financial and human resources. Ways and means to enhance cooperation between the Centre and other United Nations bodies and agencies involved in human rights, such as the International Labour Organisation (ILO), the United Nations High Commissioner for Refugees (UNHCR) and the Division for the Advancement of Women, should be further developed so as to maximize the effective use of financial and human resources in human rights matters.

Malta could not ignore the disconcerting reality that was happening in Bosnia and Herzegovina, which constituted in many instances an abhorrent violation of the principles all proclaimed and cherished, he said. Malta

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hoped that the post of High Commissioner for Human Rights would eliminate certain bureaucratic hurdles concerning the United Nations human rights system activities and programmes.

Malta had a good track record on human rights, he continued, including a very active Commission for the Advancement of Women, which monitored the situation of females and ensured that progress was made in all spheres of social activity. Recent liberal broadcasting legislation had ended the State monopoly in radio and television, had further enhanced the right of freedom of expression, ensured pluralistic transmission and satisfied a general demand for balanced and extensive information on all topics. The 1993 Act by Parliament had brought a new dimension to family life proposing a model concept of marriage based on the recognition of the fundamental principles of equality between the spouses.

PAUL F. TABET, Observer for the Holy See, said that the present day family situation was subject to a negative tendency and was becoming more fragile or even heading towards disintegration. Factors such as poverty and unemployment led to a precarious life and to family breakdown. Insufficient shelter also contributed to the lack of basic means of family survival. On the other hand, certain indicators had shown a degradation of fundamental values of that natural institution.

He welcomed the initiatives taken by the United Nations in promoting a better understanding of the family problem. In that spirit, Pope John Paul II had invited all members of the Catholic Church to celebrate the International Year of the Family. The family, he said, existed before State or any other form of institution. The welfare of the family and its role in the edification of society was essential. The family was a ground upon which the rights of the individual were respected and his welfare was promoted.

ZDENEK VENERA (Czech Republic) said that it was always better to prevent the occurrence of negative phenomena than to be forced to cope with them or with their effects later, and consequently it would be more practical to prevent occurrences of mass exodus and displacement. The relation between the violation of human rights and mass exodus was not merely one of cause and effect; it also involved the fact that the migrants were entitled to all human rights and fundamental freedoms embodied in international human rights instruments. No State could rid itself of the responsibility for mass migration waves resulting from the violation of human rights on its territory and none of the States which received refugees could rid itself of its duty to safeguard them in accordance with the standards of human rights.

The human rights of internally displaced persons must also be ensured. Internally displaced persons belonged to the category of potential refugees and therefore deserved the constant attention of the international community, he continued. The Czech Republic had provided assistance to victims of the conflict in the former Yugoslavia, receiving refugees, providing temporary refuge for people from regions afflicted by war, assisting family reunions, and providing direct material aid to displaced persons, he stated.

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BOUCHÉNAK KHELLADI (Algeria) said the National Human Rights Institution was the primary body in Algeria for human rights. There had been a tremendous improvement in promoting human rights in the country. The post of Minister for Human Rights in the Government had been established. The National Observatory for Human Rights was an independent institution to consult on human rights matters whose mandate included taking up the necessary action to deal with infringements on human rights and preparing an annual report. The Observatory had regional correspondents to address the situation at the local level.

In February, the first report of the Observatory had identified problems pertaining to the functioning of special courts, freedom of the press, and the right to information and expression pursuant to a state of emergency, he said. Certain steps had been taken concerning over-long internment, ill-treatment and police mishandling of cases. Assassinations of security agents, State officials, journalists and religious figures were violations of fundamental rights. The action of human rights bodies would ensure the defence of individuals and trade unions.

MUNIM ALKADHI (Iraq) said the work of the Commission had undergone important development. As there were positive repercussions, there were also negatives ones. Referring to the statement of a certain delegation, she said that the work of the Commission should deal with questions of human rights violations. That work should not be of a political nature. Special Rapporteurs, in accomplishing their task, should abide strictly with their mandate and they should not enter into political matters. They should also avoid depending on the works of organizations that were politically biased. The principles of fundamental freedoms and human rights should be disseminated under the auspices of the United Nations. National institutions were also instrumental in that regard. Iraq had established a National Commission composed of 50 elected Deputies of the National Assembly.

HAAKON B. HJELDE (Norway), speaking on behalf of the Nordic countries, said the Commission must continue to provide leadership in the shaping of an adequate response to the challenge posed by the situation of the internally displaced. The Nordic countries wished to emphasize the significance of country visits as part of the mandate of the Representative and the compilation of country profiles on relevant aspects of internal displacement.

Legal standards pertaining to situations of internal displacement were an area requiring systematic and intensified attention, he said. The international community must insist on the applicability of existing minimum rules of protection in all circumstances, including situations of internal strife and conflict. Where authorities were unable to provide adequate protection and assistance, Governments were obliged to avail themselves of international cooperation.

In the absence of an adequate operational institutional arrangement, he continued, a strong case could be made for developing the capacity within the mandate of the Representative of the Secretary-General to liaise and promote coordination among the various international and national organizations,

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intergovernmental and non-governmental, as well as with Governments, he said. Further efforts should be made to overcome existing constraints within the United Nations system with regard to data collection and documentation pertaining to the situation of internally displaced persons, with one possibility being to ask the Representative to assist in initiating data collecting activities with a view to their streamlining and accessibility.

MARCELA SALAZAR POSADA, of the Andean Commission of Jurists, said it had witnessed patterns of violations of justice and human rights in its region. In Peru, for example, the situation was reminiscent of the old regime. Impunity had many faces. In Colombia, there were numerous violations of legal and judicial guarantees. In Peru, with some reforms, the laws of emergency still violated the laws of due process and prisoners could still be held incommunicado. The international community should demand full restoration of rights. Displaced persons were exposed to inhuman conditions, especially in conflict areas. The solution could be to expand the mandate of the High Commissioner for Refugees and a Special Rapporteur could also be appointed.

SYED NAZIR GILANI, of the World Society of Victimology, called upon the international community to help halt the forced displacement of people living in places such as Kashmir. The right to return to one's home was also denied by the authorities in place. The displacement was usually forced and entailed a whole host of abuses of basic human rights. Becoming a refugee made one less than his previous self and one suffered a victimization on all counts and at all service counters. He urged the Commission to adopt measures and advise the Secretary-General to make available the reports of the United Nations Military Observer Groups stationed on either side of the cease-fire line in Kashmir.

MARGARITA ALEMAN, of the Latin American Federation of Associations of Relatives of Disappeared Detainees, said that less than 10 per cent of the cases presented to Colombian courts were examined while the rest of them were left aside. The General Procurator was primarily following rules designed by the military. In Ecuador, the verification of the United Nations had shown a deterioration of the state of affairs. She urged that the mandate of the Special Rapporteur be extended by one year so that respect for human rights could be strengthened. She then suggested the filing of cases of human rights violations in order to give the Special Rapporteur a better picture of the situation. Referring to the report of the Special Rapporteur, Mónica Pinto, she said that the total demilitarization of Guatemala would improve an already deteriorating situation.

ANNE BOUVIER, of the Minority Rights Group, said that the urgent challenge facing the United Nations system today was how to prevent the growth of violent conflicts within States that threatened peace and security within a region, which not only gave rise to gross abuses of human rights, but also led to major refugee flows and even more displaced persons. The United Nations acted too late with peace-keeping. Strategies had to support long-term responses and assist creative non-governmental organization initiatives. The

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strategy should develop a range of institutions, especially non-governmental and self-help bodies, that showed that democratic pluralism could be a very constructive way forward.

CHRISTIAN KAUTZINE, of the Christian Democratic International, said that the military coup in Burundi had caused a flux of 700,000 refugees to neighbouring countries. Although the election of a new President had encouraged the return of a significant number of refugees, efforts still needed to be made by civilian authorities. In the Sudan, there were systematic violations of human rights including, among other things, mass arrests, enforced population displacements and torture. Food was used as a weapon and younger people were forced to enter the war. Armed groups in the south of the country were committing abuses. He called for the United Nations to act more dynamically and quickly and hoped that the Government of the Sudan would turn towards a dialogue leading to peace.

MYRIAM SCHREIBER, of the International Movement against All Forms of Discrimination and Racism, stressed the need to strengthen respect for the human rights of women. Discrimination against women was widely practised, not only through the legislation of States but also by cultural acts. In many places, women were considered a lower caste, thus they suffered from all sorts of abuses. In areas of war and other conflicts, women were the first victims without being given adequate protection. In Latin America, women were more vulnerable to sexual and other violence. They were also victims of forced prostitution networks. Human rights educators should pay more attention to this area in order to alleviate the burdens of women in all societies.

BRUNO ROMAZZOTTI, of the International Movement ATD Fourth World, said the right to live within the family was a fundamental one, and that parents had the right to determine the number of their children. The child should grow in a family environment which should be protected. Families were especially vulnerable in times of war. The family should be considered as a vehicle for human rights education.

MARYAM MARTINE-DAFTARY, of the International Falcon Movement, recalled that women continued to be subjects of discrimination in many places. In many countries, the negative attitudes and cultural heritage concerning women did not change. While some quarters of society continued to emancipate women, many continued to discriminate and oppress them. Since 1979 in Iran, women continued to be victims of the laws and regulations of that Government. Women were demoted to second class citizenship. They were also subjected to flogging and other forms of corporal punishment. Short marriages and polygamy were encouraged on an official basis. In 1979, all women judges were dismissed from their professional jobs because of their gender. The Government had adopted legislation which degraded the conditions of Iranian women. Grave violence had become widespread, depriving women of their basic human rights.

MARIE-LAURE BECK-HENRY, of the World Movement of Mothers, said that it was necessary to recognize everywhere, as the basis of society and civilization, the primacy of the family. A mother's wage was needed -- a

moral and legal allowance to recompense her for the important work she did and to give her an economic choice, an option to stay home with her family if she so wished. Children should similarly have allowances from the State. Although many different forms of "family" had been recognized by researchers, the World Movement supported the basic, traditional form of the family as the most beneficial for society and for children, although it did not mean to be pejorative of other family units.

KAREN PARKER, of International Educational Development, said that the forced removal during the Second World War of 2,264 Latin Americans of Japanese origin to camps in the United States had remained relatively hidden for nearly 50 years. Of these, 80 per cent were Peruvian. Most were transported to camps in Texas. Over 500 of those were "exchanged" for American prisoners of war in 1942 and 1943 in violation of then-existing international standards. After the war, over 900 of the remaining Peruvians were deported to Japan, 100 to Peru. Those remaining in the United States fought for nearly 10 years against an "illegal" status.

In Bosnia and Herzegovina over 1.3 million Muslim and Croat people were squeezed into the remaining unoccupied areas of the country, she said. More than 310,000 Croats had now been displaced -- 210,000 by the Serbian forces and 100,000 by the Bosnian forces, and 187 Croatian villages in the area were looted and destroyed or significantly damaged. Displacement of civilians by the SLORC regime in Burma was probably more serious than any place else in the world. JENNIFER HARBURY added that her husband, Efrain Bamaca Velasquez, a Mayan citizen of Guatemala, was being secretly detained and tortured by the Guatemalan Army.

JACQUES CUENOD, of the Refugee Policy Group, said that the provision of relief and assistance to displaced persons by humanitarian agencies must be part of a larger and more integrated approach that included attention to human rights protection, conflict resolution, and increased coordination and cooperation between human rights and humanitarian organizations. The representative for internally displaced persons needed strong institutional back-up, both from within and outside the United Nations system. Additional resources and support would be needed for the systematic collection of information leading to the creation of an information centre, extensive on-site visits, and the deployment of human rights staff to the field. Those should be a series of reports to document the conditions of internally displaced persons. Local, national and regional capacities must be developed in support of the internally displaced. Very often, grassroots organizations were the most effective bodies working with the internally displaced.

MALA PAL, of the All India Women's Conference, were concerned about the deteriorating environment for women in Pakistan, where the Constitution itself mandated against their basic human rights, status and dignity. The Pakistan Prime Minister was unable to address issues relating to women's rights in her own country. Women's subordination on the basis of religion, culture, race, class or creed must be recognized as an organized and deliberate human rights violation of the most serious and dangerous kind. The Conference called upon all Governments to implement the Convention on the Elimination of

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Discrimination against Women. Kashmiri Hindu women and families living in virtual exile in their own country demanded that all national and international organizations take note of the serious human rights violations of the Kashmiri Hindu women at the hands of terrorists trying to spread violence, fundamentalism and "religious cleansing" in Kashmir.

BERHANE RASWORK, of the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, said that the life cycle of an African female child read as follows: born from a young undernourished mother, received at birth with discriminatory rituals, undergone genital mutilation, assumed household chores without priority for education, healthcare, or nutrition, employment and ownership of property not ensured, marriage as the sole guarantee for social security.

Female genital mutilation violated the principles laid down in the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, she continued. No conditionality, including cultural or religious specificity, could justify the performance of female genital mutilation. Gender discrimination cut across cultural and geographical boundaries and the underlying factor was the subordinate status of women. Urgent action must be taken to free women from such inhuman and degrading treatment. She urged the Commission to give sufficient attention to the problem and to maintain the issue of traditional practices on its agenda and to provide the necessary assistance to the Special Rapporteur.

SHAH GHULAM QADIR, of the World Muslim Congress, said that decolonization gave birth to a number of territorial disputes between States and the human rights aspect of those disputed territories should not be neglected. Glaring examples of that neglect was in Indian-occupied Jammu and Kashmir. Regrettably, the response of the international community to the plight of the Kashmiri people had been miserably inadequate. Many countries, under international pressure, had established their own human rights bodies; however, such commissions could not adequately deal with the situations due to their obvious lack of authority. The Kashmiri case was the best example where the reporting by the Indian human rights organizations had gone unheard. Furthermore, the United Nations Human Rights Commission should be powerful enough to investigate human rights violations in any country and no country should have the right to disallow investigators to visit.

ADAM P. ADOSSAMA, of the World Association for the School as an Instrument of Peace, said that States must pay greater attention to the role of education and to the main agents of education -- teachers. They were the main source of information to children on human rights. People had to be trained to be good citizens and workers, and to know and to exercise their rights. Schools could not necessarily teach morality if morality was lacking in the surrounding society, but they could offer education in ethics. They could teach students to think and to judge for themselves. They could teach the process of solving problems through dialogue. The Commission should urge national human rights organizations to train teachers to educate students in human rights, and should develop and provide teaching materials.

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COLLEEN BURKE, of the Women's International League for Peace and Freedom, considered it important to expose the myths surrounding rape and other violence against women and to explore the root causes of gender-specific crimes as part of warfare. Since the Second World War, the majority of victims of war had been civilians, and the majority of those had been women and children. To understand and to overcome gender-specific war crimes, one must view them in connection with the construction and idolization of a particular form of masculinity within the military, which defined males as brave, competitive aggressors.

Militarism created and perpetuated an entire culture of violence where the solving of disputes through violent means was acceptable, she said. The anonymity and diffused responsibility of a corporate body like the military also meant that violent acts could be perpetrated with impunity. Programmes addressing the issue of violence against women should be integrated into many areas of the United Nations system. The Special Rapporteur on Violence against Women should be mandated to gather information about the specific forms of violence against women and about the causes and consequences to the individual and to society as a whole.

A. ASSOUMA (Togo) said it seemed timely and appropriate to inform the Commission about the difficulties encountered by the Togo Human Rights Commission since October 1990, when Togo had been caught up in a vortex of violence, aggression, looting, plunder and murder. All forces present in the country had to share responsibility for the abuses and for turning human rights into a matter for political manoeuvring. They used disinformation campaigns to attract and misuse funding from foreign humanitarian organizations. Despite the difficulties afflicting the country, the recently established Constitution reflected international human rights standards. The challenge now was to implement them and to establish a state of law in Togo. Democratic elections had been held, and the country had begun a new era, although recent commando attacks and assassinations had shaken everyone's confidence.

HUSNYA MARKUS (Libya) hailed the efforts of the Centre for Human Rights, particularly the work presented to the Commission. As to the incorporation of women in the United Nations system, they should be encouraged to participate actively in all fields. Women were usually the victims of segregation and discrimination. Their role had to be upgraded in all spheres. In Libya, women were active in all fields including the Army, where they served as soldiers. A Secretariat of Women's Affairs was closely following the cause of women in the society by promoting their role. The promotion of women, particularly the non-partiality, non-selectivity and objectivity of women, was not mentioned in detail in the report before the Commission. Equality before the law and non-discrimination were basic to the respect of women's human rights.

YOURI BOITCHENKO (Russian Federation) said that the problem of internally displaced persons had become global in scale. One unit within the United Nations system had to be chosen to focus on the matter. A solution had to be found to the conflict between State sovereignty and unimpeded access to aid by

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those who needed it. The Commission should urge mandated agencies to follow closely situations that might lead to mass population exoduses, and so improve the early warning system. Russia had established a national human rights body and a human rights Ombudsman. The country had begun a human rights technical cooperation programme with the United Nations. Overall, greater cooperation was needed in setting up advisory services, and it was important to avoid using advisory projects to replace investigation of human rights abuses. The Commission must appeal powerfully for more resources for the Centre for Human Rights.

JORGE RHENAN-SEGURA (Costa Rica) affirmed that education was fundamental to human rights and had to be given special attention. The spirit of the Vienna Declaration was based on that question. Education should generate respect for the human rights of individuals. To teach was to educate and to train the individual to assume his responsibilities. The United Nations Educational, Scientific and Cultural Organization (UNESCO) had contributed to the promotion of education which, in turn, had strengthened human rights. Education was an instrument that enabled the individual to follow the right path towards tolerance and respect for the opinions and freedoms of other persons. The close relations between human rights and education had to be strengthened. The teaching of human rights should also be encouraged and promoted in all spheres. Education enabled persons to engage in a dialogue in which fundamental freedoms and human rights were sensitized.

JULIO FLORIAN (Peru) said that the indiscriminate violence of terrorism was one of the major challenges to human rights. Peru had been plagued by terrorist violence for 10 years. It had cost the country 21,000 dead, had totally broken social and economic life, and had almost destroyed the Government. Then the Government responded by using methods to combat terrorism, along with economic reforms to control hyperinflation. Democratic municipal elections were organized, and a new Constitution adopted by popular referendum. Meanwhile, the open contempt for human life of the terrorists had resulted in popular support for the reforms. The terrorist leader and 95 per cent of those in terrorist cells were in prison.

EMMANUEL MEGALOKONOMOS (Greece), speaking on behalf of the European Union, said that the provision of advisory services and technical assistance might not reduce a Government's responsibility and accountability for human rights violations. Advisory services might assist Governments at their request. They could complement, but did not replace, other monitoring and investigating activities carried out by the United Nations. In spite of the substantial interrelationship between the advisory services under the regular budget and the technical cooperation sponsored by the Voluntary Fund, there should be a clear distinction. The regular budget had to be structured in such a manner that the basic activities such as training courses, seminars, fellowships and scholarships, as well as expert services, could be fully covered.

The Centre for Human Rights was no longer operating alone in the area of technical assistance in human rights, he noted. Development cooperation agencies, within and outside the United Nations system as well as

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non-governmental organizations were integrating the human rights dimension into their programmes. The European Union encouraged the Centre to continue to redefine its role in the field of technical cooperation, while pursuing an even closer cooperation with United Nations agencies. The Centre for Human Rights should maintain its coordinating function of all United Nations activities in human rights. Assistance in human rights to States that required it was the best means to protect and promote human rights, democracy and development, which in itself was a form of conflict prevention.

CEES FLINTERMAN (Netherlands) said that universal recognition by ordinary men and women of the need to eliminate discrimination and violence against women was still some way off. It was the responsibility of the leaders in society to set the example, to provide the necessary guidance and education. All kinds of "private" practices, including battering, sexual abuse of girl children and marital rape, were no longer beyond the scope of Government responsibility. States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations.

It was imperative that the international community look for ways and means of promoting the implementation of the Declaration on the Elimination of Violence Against Women, she said. A widening of the mandate would undermine its clear focus and pose a risk to the Special Rapporteur's effectiveness. The provision of gender-disaggregated data by both Governments and United Nations expert bodies should become standard practice and a number of Rapporteurs, Experts and Working Groups still had not complied with that request.

JACEK TYSZKO (Poland) said that advisory services and technical assistance should be further strengthened and developed. There should be a closer cooperation between Governments, intergovernmental groups and non-governmental organizations and streamlining of activities within the United Nations system. Increasing tasks of the United Nations in human rights urgently required appropriate resources. Otherwise, ambitious programmes might remain as unfulfilled promises.

The Centre for Human Rights, through its advisory services and technical assistance, had contributed significantly to the development of democracy and rule of law in Central and Eastern Europe, he said. Poland expressed sincere appreciation to the Centre for the excellent implementation of the "United Nations-Polish Project" to strengthen national human rights infrastructure in Poland. Information and documentation systems had been developed, post-graduate courses for different professions and courses for students on international and domestic protection of human rights had been carried out, and publications of documents and jurisprudence in the field had been supported.

H.O. SULAIMAN (Nigeria) said that national institutions were indispensable organs for promoting all aspects of human rights and that it was the responsibility of each State to create such institutions. The Commission should ensure that national institutions participated actively, by right and

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with a specific status in the work of the United Nations human rights bodies. In addition, the Secretary-General should establish a Voluntary Fund for National Institutions. A specific programme should be established in order to ensure that the rights of vulnerable groups and women were protected and promoted. The Centre for Human Rights should ensure that funds were made available early enough for the representatives of national institutions from developing countries to attend the periodic meetings.

HYUN DONG CHO (Republic of Korea) observed that the status of women varied in every country. In the Republic of Korea, there was cause for concern because a traditional patriarchal system still remained, in part. The Special Rapporteur on Violence against Women deserved support and a clear mandate. Regional organizations for human rights played a major role, particularly in Asia. The Republic of Korea had decided to hold an Asia-Pacific regional meeting on human rights matters. It was important to exchange experience and develop ideas for improving human rights. The new High Commissioner for Human Rights should be given support and sufficient resources, and greater efficiency should be sought in human rights programmes.

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United Nations

Press Release

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1 March 1994

# HUMAN RIGHTS COMMISSION ADOPTS RESOLUTIONS ON RIGHT TO DEVELOPMENT, MINORITIY RIGHTS, AND ECONOMIC, SOCIAL AND CULTURAL RIGHTS

## Foreign Ministers of Sudan and Burundi Address Commission

GENEVA, 1 March (UN Information Service) -- Three resolutions were adopted this morning by the Commission on Human Rights. They included a measure urging the Working Group on the Right to Development to take into account policies at national and international levels that would help create an international economic climate more responsive to the needs of the developing countries, and deciding that the heads of international financial institutions should be invited to participate actively in the future sessions of the Working Group. The resolution passed on a roll-call vote, with the United States, the United Kingdom and Japan casting negative votes.

The Commission also adopted a resolution requesting, among other things, the Secretary-General to invite the international financial institutions to consider organizing an expert seminar on their role in the realization of economic, social and cultural rights. And it approved a resolution urging States to take all necessary measures to promote and give effect to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

Before taking action on the resolutions, the Commission was addressed by Bishop Gabriel Roric, State Minister for Foreign Affairs of the Sudan, and by Jean-Marie Ngendahayo, State Minister for Foreign Affairs and Cooperation of Burundi.

Bishop Roric said the civil war in southern Sudan was political rather than religious in nature, was rooted in problems stemming from colonialism, and attempts to end it had failed because of "interference from some members of the international community, for reasons better known to them". The Sudan called upon the Commission to advise those circles to refrain from interfering, the Bishop said, adding that recently the Government had asked the four Presidents of the countries of the Horn of Africa to chair negotiations on resolving the conflict.

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Mr. Ngendahayo, of Burundi, told the Commission that in June 1993, there had been democratic presidential and Parliamentary elections and for the first time the people had had a civilian President, Melchior Ndadaye, but that the enemies of democracy scarcely had allowed the President a chance to begin. He was assassinated on 21 October 1993 in a military putsch. Unprecedented violence had followed, tens of thousands had died, and there were some 1 million refugees. After intense negotiations a new President had been selected, Mr. Ngendahayo said, and much international help would be needed, along with advice from the Centre for Human Rights, to re-establish peace and democracy.

The Commission also continued debate on the topics of advisory services and the further promotion and encouragement of human rights and fundamental freedoms, including the programme and methods of work of the Commission. Statements were made by the representatives of Pakistan, Ecuador, Germany and Austria.

Address by Foreign Minister of Sudan

GABRIEL RORIC, State Minister for Foreign Affairs of the Sudan, said that the current situation in the Sudan had been imposed on the country by the ongoing civil war, in the southern Sudan, created by the colonial era in its history. The colonialists were responsible for the death and destruction in the Sudan today. The problem in the Sudan was a political and cultural issue between the South and the North. This problem had not been answered correctly by former Governments. But now the Government of National Salvation had offered a federal system as a way of solving political problems, including that of southern Sudan.

Sudan's problem was not religious, as some foreign circles propagated, he said. There was no religious confrontation between Muslims and Christians, they lived in peace and harmony. The Sudan had established a religious forum for dialogue between Christianity and Islam. The Government had set in motion a plan which created a political system responsible to the religious, cultural and ethnic diversities of the country.

In order to achieve peace in 1989, the Government had sent a delegation to talk with the Sudan People's Liberation Army in Addis Abbaba, Ethiopia; and negotiations were resumed in Nairobi, Kenya, under the mediation of Jimmy Carter, the former President of the United States; again, in Kampala, Uganda, under the former President of Uganda; and again in Abuja, under the former President of Nigeria. All those attempts and initiatives were to no avail. The reason for failure was interference from some members of the international community, for reasons better known to them. The Sudan called upon the Commission to advise those circles to refrain from interfering.

In spite of that interference, he went on, the Sudan Government had asked the four Presidents of the countries of the Horn of Africa to undertake the task of trying to achieve peace in the Sudan and to come out with guidelines acceptable to all conflicting parties. This initiative was being headed by President Daniel Arap Moi of Kenya.

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Address by Foreign Minister of Burundi

JEAN-MARIE NGENDAHAYO, State Minister for Foreign Affairs and Cooperation of Burundi, told the Commission that in June 1993, there had been democratic Presidential and Parliamentary elections and for the first time the people had had a civilian President, Melchior Ndadaye, and a National Assembly elected by direct universal suffrage. The winning candidates had stressed human rights, and the new Government had included members of opposition parties.

Unfortunately, the enemies of democracy scarcely allowed a chance for the President to begin. He was savagely assassinated on 21 October 1993. Part of the national Army attempted a putsch and did irreparable damage to State institutions. The President of the National Assembly and its Vice-President were also assassinated. Unprecedented violence followed. Tens of thousands died. There were some 1 million refugees and 300,000 internally displaced persons.

Currently, there was economic strife, hunger and complete destruction of social and cultural life, the speaker stated. The upheaval had also damaged the economies of neighbouring countries. Those who had fled were not fleeing the Government, which they had supported and elected, but the socially dysfunctional Army.

After intense and bitter negotiations, a new President had been selected, Mr. Ngendahayo said. The new Government was attempting to stop the massacres and to establish peace. The hope was for all -- the peasant working in his field, a policeman, a soldier, a journalist and all others -- to respect human rights. When that respect was internalized in every citizen, the new Burundi would be established. The process would take a long time. Much international help would be needed, along with advice from the Centre for Human Rights.

Action on Resolutions

Under a resolution on the question of the realization in all countries of economic, social and cultural rights, the Commission noted the conclusions and recommendations of the seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights, held at Geneva in January 1993, and recognized the importance of using indicators as a means referred to in the Vienna Declaration and Programme of Action.

It recommended that, as a follow-up to the seminar on indicators, the Centre for Human Rights convene expert seminars for Chairpersons of the human rights treaty monitoring bodies and representatives of specialized agencies and non-governmental organizations, as well as representatives of States, focused on specific economic, social and cultural rights, with a view to clarifying the particular content of those rights, as well as the nature of States parties obligations. The resolution requested the Secretary-General to invite the international financial institutions to continue considering the possibility of organizing an expert seminar on the role of those institutions in the realization of economic, social and cultural rights; and encouraged the

Centre for Human Rights to make available expert assistance to States for the purpose of formulating policies on those rights and developing plans of action for their promotion and protection.

The resolution was adopted by a roll-call vote of 52 in favour to none against, with 1 abstention (Malaysia).

With regard to the right to development, the Commission urged the Working Group to make recommendations on the implementation of that right taking into account policies at the national and international levels, particularly towards the creation of a favourable international economic climate which would be more responsive to the needs of the developing countries. It also decided that the Executive Secretaries of the regional economic commissions and the heads of the international financial institutions should be invited to participate actively in the future sessions of the Working Group so that they could contribute substantially to its work.

The Commission recommended that the Assistant Secretary-General for Human Rights suggest that the members of the Administrative Committee on Coordination at their forthcoming regular meeting incorporate the right to development as a major component of the programmes and activities of the Committee. It also decided that the Working Group would hold two sessions, each for a two-week period, in May and October 1994, to continue to carry out the mandate of the Group; and requested the Working Group to submit to the Commission at its fifty-first session a report on the progress of its work during 1994.

The resolution was adopted by a roll-call vote of 42 in favour to 3 against (Japan, United Kingdom, United States), with 8 abstentions (Canada, Finland, Germany, Hungary, Italy, Netherlands, Poland and Russian Federation).

PETER EICHER (United States), in an explanation of vote, said that it was with a deep sense of disappointment that the United States had voted no on the resolution on the right to development, the focus of which was on form over substance. The result would inevitably be a diversion to bureaucratic pursuits of scarce resources that could better protect and promote all human rights, including the right to development in the field.

H. STEEL (United Kingdom), speaking before the vote, said he would vote against the draft resolution because of the increased orientation towards the establishment of a permanent evaluation mechanism for the implementation of the Declaration on the Right to Development. Its contents did not reflect the current world economic situation.

MINORU ENDO (Japan), speaking before the vote, said his delegation would vote against resolution L.28 because it could not agree with two of the operative paragraphs.

Under a resolution on the rights of persons belonging to national or ethnic, religious and linguistic minorities, the Commission urged States to

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take all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. It called upon States which so wished to consider concluding bilateral and multilateral arrangements or agreements in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as appropriate.

The Commission also urged relevant treaty bodies and special representatives, special rapporteurs and working groups of the Commission to continue to give due regard, within their respective mandates to the Declaration; and called upon the High Commissioner for Human Rights to give due regard, within his mandate, to the Declaration.

It further urged the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue to give due regard to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities; and urged the Secretary-General, in the implementation of the present resolution, to provide human and financial resources for such advisory services and technical assistance of the Centre for Human Rights, within existing resources. The resolution was adopted by consensus.

Statements

TASNIM ASLAM (Pakistan) stressed that women's empowerment was one of the most important issues. Concrete steps needed to be taken to promote women to positions of power in all walks of life ensuring access for them in education and employment, eliminate gross violations of human rights of women and promote consciousness among men and women of their responsibility with regard to the value of equality for women. The success of the Fourth World Conference on Women, scheduled to be held in Beijing in 1995, would depend greatly on the quality of the preparatory process. That entailed coordinated action at the national, regional and international levels. The United Nations Secretariat would have to play a vital role in that process.

Underdevelopment, poverty, hunger, population problems and disease were the key factors which adversely affected the conditions for women in the developing countries, she said. Women and children were the most vulnerable to the adverse consequences of structural adjustment policies being carried out in the developing countries. Concerted action was needed to increase involvement of women in economic decision-making, guarantee equal employment opportunities for them, develop services to assist them in child care and establish assistance programmes for women living in abject poverty. The abuses and acts of violence committed against women migrant workers were a cause of serious concern. The countries of origin and employment should evolve adequate legal frameworks for protecting the rights of women migrant workers.

MARCELO FERNANDEZ DE CORDOBA (Ecuador) said that violence against women was extensive and occurred in all areas of the world. It did not occur only

in times of armed conflict. It was not only individual in character, but also social and institutional. It was necessary that legal protections be extended even into the family. The machinery for compelling compliance with the human rights of women had to be strengthened. Nations had to be urged to take the protection and promotion of women's rights into account in legislation and policy. The rights of women must be integrated into the work of all United Nations agencies, on all topics.

GERHART BAUM (Germany) welcomed the appointment of the High Commissioner for Human Rights and said it was an important step towards the advancement of human rights causes. However, the realization of human rights had not yet been achieved by the United Nations. The last General Assembly session had failed to take action to increase substantially the resources of the human rights programme from within the existing and future regular budgets of the United Nations. Although the recommendations by the World Conference of Vienna were endorsed, only $1.2 million was authorized to cover the additional requirements for the biennial budget. He called upon States and the Secretary-General to ensure that the share of the United Nations budget for human rights was increased.

CHRISTIAN STROHAL (Austria) said that the analysis of human rights situations the world over tended to show, more often than not, that even with the commitment of Governments to fulfil their obligations under the international instruments on human rights, those rights and fundamental freedoms could still be threatened by a number of factors. There obviously was a close link between quality in the administration of justice and effectiveness in the protection in human rights. The system of advisory services and technical assistance would provide effective help for Governments.

Cooperation and dialogue were important, he said. Advisory services were complementary instruments to the highlighting of violations in certain situations. They were instruments of encouragement, being non-confrontational and aimed at harvesting the fruits of cooperation. Growing demand was competing for limited resources and capacities, and it was necessary to optimize the role of the programmes of the Centre for Human Rights.

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**INDEPENDENT EXPERTS CITE HUMAN RIGHTS ABUSES IN GUATEMALA, EL SALVADOR, BEFORE COMMISSION ON HUMAN RIGHTS**

**Debate on Promotion of Human Rights and Advisory Services Concludes**

GENEVA, 1 March (UN Information Service) -- Militarization, armed clashes and social violence were some of the serious problems occurring in Guatemala, Mónica Pinto, independent expert on the situation of human rights in Guatemala, told the Commission on Human Rights this afternoon. Although indigenous peoples made up 70 per cent of the population, she added, they were excluded from the judicial system, and their exercise of political rights was merely a formality.

Also addressing the Commission, Pedro Nikken, independent expert on the situation of human rights in El Salvador, said he was not optimistic about Government efforts to improve the human rights situation. Moreover, during 1993, torture and forced disappearances still occurred. His planned visits were cancelled by government officials several times. The Salvadorian conflict, he said, would not easily be eradicated in the short term.

Debate concluded this evening on the further promotion and encouragement of human rights and fundamental freedoms and on advisory services in human rights. Several countries called for efforts to strengthen the capacity of the Centre for Human Rights and for better coordination between the Centre, other United Nations bodies and non-governmental organizations. Others called for the appointment of a special rapporteur on violence against women; and the representative of Portugal, in particular, called for the Centre for Human Rights to be a focal point and ensure a thematic approach on human rights abuses against women. The importance of advisory services to human rights and the plight of internally displaced people were cited repeatedly during the meeting.

The Commission then took up the question of human rights in Cyprus and the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories.

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The representatives of the following member States addressed the Commission on promotion of human rights and on advisory services: Denmark, Ukraine, United States, Sri Lanka, Chile, Australia, Malawi, India, Iran, Cuba, Italy and Peru.

The following observers from States and non-governmental organizations also made statements on those agenda items: El Salvador, Turkey, International Committee of the Red Cross (ICRC), Switzerland, Slovak Republic, Portugal, Senegal, International Organization for Migration (IOM), Guatemala, International Islamic Federation of Student Organizations, Commission for the Defence of Human Rights in Central America, International Indian Treaty Council, Survival International, and Albania.

The Sudan and Libya exercised their right of reply. Nigeria and Lebanon made statements on the new agenda item.

Introduction of Reports

MONICA PINTO, independent expert on the situation of human rights in Guatemala, said that 1993 had not been an easy year for Guatemala, and that the indigenous peoples were among the first casualties. Militarization, armed clashes and social violence were serious problems. She called for the Government to use civilian authorities to improve the health and education infrastructure. The internal conflict was the main source of human rights violations, and she hoped that the recently arrived-at agreement would put an end to the situation. The high degree of militarization was a major problem, as the military was responsible for a large number of human rights violations. The people and some of the military were calling for the demilitarization of society where the military would be under the authority of civilian power. Moreover, existing military services were applied in a discriminatory way and conscripts suffered under harsh conditions.

In urban Guatemalan society, violence was a way to settle conflicts. Although the number of forced disappearances, extrajudicial executions and torture was not as great as in past years, she noted, they were still occurring. The cases should be investigated and punished. Large amounts of financial and human resources were required to improve the prison situation. Indigenous populations suffered under harsh poverty, which was evident in the high rate of child mortality, the poor health system and unemployment. Comprising approximately 70 per cent of the population, those peoples were excluded from the judicial system, and their exercise of political rights was merely a formality. Furthermore, the unequal distribution of land should be rectified to lead to a more egalitarian society.

PEDRO NIKKEN (Venezuela), Special Rapporteur on El Salvador, said that the Salvadorians were eager to live in a peaceful society after the long and devastating conflicts. He then explained to the Commission how his planned visits to El Salvador were cancelled by Government officials on several occasions. The lack of governmental coordination had in some ways hampered his visits to that country, he noted. During 1993, cases of torture and forced disappearances continued to exist in El Salvador. Substantial

improvement was not made to strengthen the principle of the independence of the judiciary, according to his findings.

The Special Rapporteur regretted that there was stagnation with regard to the application of the new principles of land ownership and respect for human rights and fundamental freedoms. He said he was not optimistic to see any improvement towards full respect of human rights by the Government in the present situation. Because of its historical nature, the Salvadorian conflict would not be easy to eradicate in the short term. Some countries considered recommendations to improve respect for human rights as political punishment, but delays in implementing certain recommendations could inevitably hinder the peace process. The situation, in general, was deteriorating, and there was a series of shortcomings in the application of the laws pertaining to human rights.

CARLOS ERNESTO MENDOZA (El Salvador) commented on the report of the independent expert on El Salvador. The Government had sent a letter to the Centre for Human Rights indicating that it accepted a visit by an independent expert and cooperated with the Centre for Human Rights. The Government also welcomed the participation of the international community. The opinion expressed in the report stating that the situation was deteriorating was not accurate. Moreover, the Government was strengthening its commitment to human rights. El Salvador could be seen to promote and disseminate human rights.

Statements

BOGAC GULDERE (Turkey) affirmed that no country could start the democratization process with ethnic rights. In an authoritarian society, the promotion of ethnic rights with external support was the surest recipe for conflict and disintegration. The priority of the United Nations human rights system should be to help initiate democratization processes, while preventing the manipulation of ethnic groups under the pretext of self-determination. In the internal conflicts of today, armed groups almost always resorted to terrorist warfare. To call it guerrilla or irregular war or insurgency did not change its terrorist character. Terrorism could not be justified under any condition.

Human rights law should be applied to terrorist conflicts and killing of the innocent considered as the gravest human rights violation, he continued. The Commission should appoint a special rapporteur to monitor situations created by terrorists. Unless the United Nations human rights system unequivocally outlawed terrorism, effectively defended the rights of innocent civilians and rejected the cases of indirect aggression, one might lose all interest in cooperation with the system.

JEAN-PAUL FALLET, of the ICRC, said that to prevent violations, States should in peace time adopt the laws and other measures needed to facilitate the implementation of international humanitarian law. They should ensure compliance with that law by every branch of the armed forces and guarantee the repression of any violations. If international humanitarian law was to be respected, it should first be made known; all possible means should be used to

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teach it as widely as possible, in particular, within the armed forces. A great many internally displaced persons were the victims of armed conflict, and those concerned by their situation could not but reaffirm the indispensability of international humanitarian law and the urgent need to ensure its implementation. International humanitarian law offered a comprehensive response to the suffering caused by war, with provisions affording both general and special protection. In offering its services, the ICRC sought not only to bring about the faithful implementation of international humanitarian law and to protect and assist the victims of conflict, but also to ensure that everyone might benefit from at least that minimum standard of humanity, whatever the circumstances.

PAUL SEGER (Switzerland) considered that the creation by the General Assembly of the post of High Commissioner represented a crucial stage towards better respect for human rights. Attaching that post to the Centre for Human Rights would surely prove very useful for the fulfilment of his mandate. It was essential, in fact, for all of the human rights bodies of the United Nations to be able to coordinate their activities. Switzerland hoped, in particular, that coordination between the human rights treaty monitoring bodies and the various rapporteurs, working groups and independent experts would be substantially reinforced.

One of the areas which required better coordination between the different competent organs was that of the basic human rights of women, he said. Switzerland was pleased at the decision to create, within the Centre, a "focal point" whose task would be to coordinate all the relevant activities. Furthermore, it was time, after the adoption by the Assembly of the Declaration on the Elimination of Violence against Women, to appoint a Special Rapporteur on this question.

JAKOB ESPER LARSEN (Denmark), speaking on behalf of the Nordic countries, regarded the follow-up and effective implementation by Governments and the United Nations of the statements in relation to advisory services and technical cooperation as very important. The programme of advisory services and technical cooperation was benefiting from an improved budgetary situation, and he suggested that the Centre for Human Rights respond to that by hiring experienced and professional staff on a long-term basis and more external consultants in its advisory services programme. It was very important that the Board of Trustees had a role in the priority-setting and the decisions on the projects financed by the Voluntary Fund.

A review of administrative procedures and the utilization of existing financial and human resources in the Centre for Human Rights needed to be undertaken urgently, he continued. In addition, comprehensive needs assessment for any country that requested its assistance in the form of advisory services and technical cooperation should serve as a basis for projects carried out by the Centre, by other donors or by the Government of that country itself. Although the Nordic countries had, for a number of years, provided financial support to the programme of advisory services and technical cooperation, transparency, priority-setting and administrative efficiency and accountability would have to be improved before they determined their future level of support.

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OLEXANDER SLIPTCHENKO (Ukraine) said that joint efforts of the United Nations organs, bodies and the specialized agencies in human rights were often undermined by overlapping competence and unnecessary duplication of activities. The problem of improved coordination in human rights should be given priority by the High Commissioner for Human Rights. The situation of certain groups of displaced persons could be considered especially complicated, as was the case of the peoples deported by the Stalinist regime from their traditional habitat in Ukraine during the Second World War and its aftermath.

Those displaced peoples had found themselves in a legal limbo not matching formally any of the internationally accepted definitions of displaced persons, and they did not qualify for United Nations relief programmes, he continued. The problems of the returnees could not be resolved by Ukraine on its own without adequate international assistance. Furthermore, the 700,000 people affected by the Chernobyl disaster were still waiting to be moved out of the heavily contaminated areas. Ukraine called for the international community to address the crisis of internal displacement in a comprehensive, effective and durable manner.

MARIA KRASNOHORSKA (Slovak Republic) spoke about the creation of the National Centre for Human Rights of Slovakia to say that the political and social changes in Central Europe had also affected the human rights conditions in the region. The international diplomacy between States and the relations among individuals was also taking a different trend since then. The Centre had started operations on 1 January, following three-year period of preparation. The Centre would coordinate its work with the national human rights institutions of other countries and the human rights organs of the United Nations.

ANA MARTINS GOMES (Portugal) said the Centre for Human Rights should become the focal point and ensure a thematic approach on human rights abuses directed against women, gathering all information, coordinating the activities of all the relevant United Nations machinery and proposing further steps to enhance the enjoyment of human rights by women. Also necessary was the reinforcement of the cooperation inside the Secretariat and between the existing human rights mechanisms and, in particular coordination and regular contact of the human rights mechanism with the Com ittee on the Elimination of Discrimination against Women to advance human rights for women.

The Commission's mechanisms should gather indicators on violations of the human rights of women and analyse the root causes of abuse primarily directed against women, establish the linkage with the status of women in society, and recommend specific remedial action, she said. There was a need to study the gender-specific nature of particular forms of torture and ill-treatment, as well as the harm suffered. Portugal also called for creation of a special rapporteur on violence against women.

FELICE D. GAER (United States) said that the new post of High Commissioner for Human Rights could energize United Nations programmes on human rights and ensure that human rights took its proper place as one of the key pillars of the United Nations system. The challenge was nothing short of integrating a

human rights perspective into all of the work of the United Nations and working to assure the proper coordination of all United Nations human rights programmes.

The United Nations public information initiatives in human rights needed to concentrate less on glossy pamphlets distributed to diplomats and more on educational and related initiatives launched by experts, seeking to reach those most affected in the field, she said. There also was no substitute for direct engagement in the countries working to implement their commitment to human rights and the rule of law. To implement and integrate human rights concerns better throughout the United Nations system, the Human Rights Centre should be authorized to place representatives in United Nations regional offices.

IBRA DEGUENE KA (Senegal) said that when the rules and regulations governing the respect for human rights were concretized at the national levels, the rights of each individual could be guaranteed. The existence of effective national institutions were founded under the criteria in which a political regime had to be directed by the rules of law and the respect for individual freedoms. That atmosphere of respect for the rules of law would give way to the emergence of an independent and impartial judiciary, which would guarantee an adequate administration of justice. Such fundamental conditions would allow the population to build confidence in their national institutions and to build a harmonious society.

R. PERUCHOUD, of the IOM, said that the international attention being given to the situation of displaced persons was new. While no international organization had a mandate to assist internally displaced persons, competence had been extended by a number of bodies. The organization supported an appropriate balance between protection and assistance. Emphasis should be placed on finding the most effective response to the needs of displaced persons. In addition, regarding institutional mechanisms, cooperation between the United Nations bodies and outside organizations was crucial.

BERNARDO AREVALO DE LEON (Guatemala) said his Government had adopted many measures concerning human rights, and that had led to a substantial improvement in the lives of Guatemalans. In areas where there were failings, the Government was making a plan, identifying areas of work, including the consolidation of democracy and law, a campaign against poverty and conservation of the environment. In addition, a new interaction between the Government and various sectors was being redefined and the presence of the international community in the peace process was welcomed. Furthermore, the Government hoped to eliminate impunity, terrorist attacks, violence and extortion. Importantly, the Government was not hiding its failings and sought transparency. Although there was still a long way to go, real changes had occurred. He called upon the international community to offer effective assistance.

GHULAM NABI HAGROO, of the International Islamic Federation of Student Organizations, said there were many situations around the globe in which conflict or disputes formed the pretext for suspension of fundamental rights,

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including in the former Yugoslavia and Kashmir. The conditions for Muslims of Bosnia currently provided the most glaring example of the people battling desperation. A less publicized situation of mass exodus and displacement of people, but equally fundamental, existed in the territory of Kashmir. The process of dragging the people out of their homes and deporting them to Pakistan began in 1947 and was repeated in 1971 and in 1989-1990.

The Indian forces threw many people out of Kashmir while Kashmiri Hindus fled to Jammu, Delhi and other cities, he said. The exodus of the Kashmiri Hindus was sought to be stopped by Muslims, and positive efforts were made in that direction. International recognition and pressure provided a catalyst for progress. The objective of re-establishing basic human rights and deflating tensions could not be achieved without the attention of the international community.

VILMA N. DE ESCORCIA, of the Commission for the Defence of Human Rights in Central America, said El Salvador had hampered the entry of the independent expert on El Salvador to hinder the writing of his report. That was not an isolated act on the part of the Government. The re-emergence of the death squads should be investigated. The implementation of the peace accords was fragile and incomplete. Although important changes had occurred in Guatemala, there were still numerous claims of human rights violations, and the judicial system was ineffective. The Commission should, among other things, renew the mandate of the independent expert.

MARIA TOJ MEDRANO, of the International Indian Treaty Council, said that agenda item 19 should not be used to discuss situations in countries where there were persistent violations of human rights. Guatemala was included under item 19, but consistent and intensive abuses continued there, especially of the Mayan people. The various reports on Guatemala submitted to the Commission indicated that at no time had there been any improvement. In fact, in 1993 there had been a significant deterioration of the human rights situation. There was no real representative Government. Because of the influence of the military, the advisory services provided over six years had led to no real progress. There was a lack of will to change the repressive policies of the State, and the perpetrators of violations enjoyed impunity and the apparent support of the State. The Commission must, to help 9 million Guatemalans, transfer the question of Guatemala to agenda item 12.

RON LAMEMAN, of Survival International, said that, although the International Year of the World's Indigenous Peoples fell far short of everyone's expectations and would go down in history as the poorest and smallest event of its kind in the history of the United Nations, all was not lost. Given the lack of commitment to the International Year, the funds for the International Decade should at least equal, if not exceed, funds allocated to other international decades. Those funds should be made available to indigenous peoples so that projects could be initiated at the community level to promote the International Decade.

A permanent forum for indigenous peoples within the United Nations system should be established, he said. Another worthwhile project was the study of

treaties, agreements and other constructive arrangements between States and indigenous peoples being carried out by Special Rapporteur Miguel Alfonso Martines, but the United Nations must increase the resources for that important study so that adequate research personnel could be retained. Regarding the draft Declaration on the Rights of Indigenous Peoples in its present form, it was very hard to endorse a watered-down Declaration. Why was it that indigenous peoples were always forced to settle for what was second best?

BRADMAN WEERAKOON (Sri Lanka) said that the ongoing conflict in the north and the east of Sri Lanka had resulted in the creation of a large internally displaced population numbering around 600,000. The massive humanitarian effort needed to deal with the internally displaced required cooperation between government ministries, local government authorities, international agencies and the non-governmental organization community. Despite the conflict, the supply, transport and distribution system, both by ship and road, was maintained. The Sri Lanka Government was committed to continuing its protection and assistance to the internally displaced population, as well as assuming the huge financial burden. While the Government was in overall agreement with several of the recommendations made by the Special Representative on assistance to the internally displaced, some recommendations regarding the conflict situation itself were beyond his mandate. There were also a number of factual inaccuracies.

FELIPE PORTALES (Chile) said that the creation of the post of High Commissioner for Human Rights was a vital and positive move. Unfortunately, due media attention had not been given to that appointment or to other recent accomplishments in human rights. Communications and information supply had to be improved, so that world opinion reflected reality. It was necessary to maintain contacts with Governments to make sure progress was made in human rights, and that role could be played by the High Commissioner. That official should also serve a preventive function; he should intervene early in situations where crises threatened to keep them from occurring. The advisory services programmes should be strengthened and coordination improved.

BRIAN BURDEKIN (Australia) said that one of the most encouraging developments in the protection and promotion of human rights had been the recent rapid evolution of national institutions to provide accessible remedies to individuals whose rights had been violated. Both the Government and the Australian Human Rights Commission had, for the last three years, committed increasing resources to promoting the establishment and strengthening of independent national institutions.

While the international machinery which had been evolved to monitor the most important human rights treaties was important, the reality was that it was largely inaccessible to many of the most vulnerable and powerless individuals in all countries, he continued. In Australia, 99 per cent of those who came to the National Commission for assistance could not afford to employ lawyers or, in many cases, to endure the long delays associated with juridical determinations. National institutions must be accorded appropriate

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status at meetings of United Nations human rights bodies. Australia was also particularly concerned about the plight of those who were discriminated against because of their HIV status.

MIRIAM MALUWA (Malawi) said the Centre for Human Rights had contributed in no small measure towards reforms in Malawi, and that most of the proposals in the Centre's needs assessment report had been or were being implemented. Malawi envisaged the establishment of a national human rights commission and/or the Office of an Ombudsman and hoped to provide technical assistance to local human rights bodies and train personnel in the civil service, the administration of justice and other areas of interest and law reform. Training was also an important component of the advisory services and technical assistance. In addition, it was important that the empowerment which came with training should reach vulnerable groups, particularly women and children. She further welcomed the new orientation in the working methods of the programme of advisory services and technical assistance in human rights.

VIKTOR HEBIBAS (Albania) said that since the end of the communist period, there had been a definitive trend towards democratization. Albania adhered to its international commitments, and positive changes had occurred in legislation and the consolidation of democratic structures. The aim of the Government was to adopt provisions in line with international human rights norms. Also, major efforts had been made to improve the Penal Code to make it more humane and democratic in order to provide for the rights of the individual during the legal process. All those changes had led to improvements in human rights, and there was more understanding among different social and religious groups. Public awareness had made people more aware of their rights.

MADHUKAR GUPTA (India) said that there were two broad dimensions to the issue of terrorism which needed to be seriously addressed. One was about the danger that it spelled to the State and society and to human rights; and the other was the use of terrorism as a weapon and a tool of strategy and policy by States to hit at the sovereignty and territorial integrity of other nations. Terrorism appeared to have gained acceptance and even respectability and had been characterized as "insurgency", "freedom struggles", the vehicle for "self-determination". Terrorism also was being used for the spread of fundamentalism and creation of social and religious cleavages and divides in countries and societies.

In Jammu and Kashmir, for example, there were efforts to change the very demographic profile of the Kashmir Valley, he said. Unfortunately, the extant law left much to be desired and indeed could even encourage the phenomenon by providing legitimacy to the people who were wantonly perpetrating acts of terrorism around the globe. Was the international community going to continue to look on as a mute spectator, even as human rights slogans and forums were blatantly being used to cover the sponsorship and practices of terrorism?

SIROUS NASSERI (Iran) said that as Asia and Africa understood it, historical, cultural and religious backgrounds could no longer be disregarded in interpreting existing human rights instruments and in setting new ones, while general commitments to respect the human rights and fundamental freedoms

remained unperturbed. The Islamic world questioned the international instruments on human rights on their origin and essence. They questioned why there was no mention of God in those instruments.

Even on a democratic basis, at least 80 per cent of the world believed in God in one form or another, he said. Nearly all of them shared the idea that absolute justice could only come from God and that man's rights and responsibilities towards each other derived from his responsibilities towards God. On the practical side, they pointed to the decadence and shallowness of purpose in the West, the model for human rights, and claimed that morality had been sacrificed there at the feet of secularism. The only realistic way through which true universality could be achieved was to allow genuine dialogue to take place.

IVAN MORA GODOY (Cuba) said that this session of the Commission was nothing but a carbon copy of the ones that had occurred before and noted with concern that discussion of human rights was a front for selfish and exclusionist tendencies. A group of countries sat in judgement of the countries of the South without dealing with their own issues. He hoped that those countries would assume the responsibility of carrying out an impartial analysis of human rights concerns, especially after the Vienna Conference. Political manipulation of human rights was the most monstrous way they could be violated. Furthermore, an attempt was being made to distort the mandate of United Nations bodies. The old order benefited only the countries of the North while denying the countries of the South the right to development. Cuba demanded an end to the criminal blockade imposed against it by the United States.

PAOLO TORELLA DI ROMAGNANO (Italy) attached great importance to action by the Centre for Human Rights to establish national infrastructures for the promotion and protection of human rights, support democratic processes, including democratic elections, and the rule of law. He encouraged the Centre to continue its efforts to improve transparency, internal procedures and the overall effectiveness of its technical cooperation programmes. The delegation also placed high importance on effective coordination between the Centre, other United Nations bodies, regional and national institutions and non-governmental organizations in the implementation of technical cooperation projects. Electronically accessible human rights data played a critical role both in promoting human rights, and Italy supported a new programme of computerization of regional and national human rights institutions in Africa.

The representative of Peru said that the representative of the Secretary-General on the internally displaced had done well with an enormous amount of work that overwhelmed the resources available to him. In Peru, violence related to terrorism had unleashed three waves of internally displaced persons amounting to hundreds of thousands. The international community must express practical solidarity with such people. Peru urgently appealed for dialogue between the United Nations High Commissioner for Refugees (UNHCR) and other agencies so that the problem of the internally displ .ced could be dealt with adequately. Peru's attempt at national pacification was beginning to work, but international cooperation was

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essential. Peru had issued an invitation to the representative to visit the country and to observe the situation of internally displaced persons. Peru was pleased to announce that its National Human Rights Council had been re-established.

Rights of Reply

ALIER DENG RUAI DENG (Sudan) said the allegations made by Christian Democrat International were not accurate. The movement of the population from the south due to the ongoing conflict between the Government and rebel forces was towards the north and not towards neighbouring countries. The ongoing visits between the Sudan and the Vatican would achieve the goal of religious harmony between religious groups, and the Muslim Christian Forum would be a forum for dialogue. The Government was looking into grievances to find ways to bring peace and stability to the country and would like to resume the dialogue. Non-governmental organizations should desist from inflammatory statements.

HUSNYA MARKUS (Libya) said that a non-governmental organization had misunderstood the role of Muslim women. God, in fact, had given women equal rights with men. There was no difference then between men and women, if they were religious. She said she was a Muslim, she came from a Muslim country, and shariah was the law there. Women had the right to property, the right to child custody in case of divorce, and, in fact, the mother had priority over the father. Islam aimed to spread love through all races without distinction, including distinctions between men and women.

Statements on Violations of Human Rights

OROBOLA FASEHUN (Nigeria), speaking on the question of Cyprus, said that following the intercommunal conflicts of 1964 and the events of 1974 which had led to a de facto partitioning of the island, many Cypriots had effectively lost their rights to property, family life, basic needs and a number of other fundamental rights. Families were still separated. The forcible division of the island was in the main responsible for the human rights violations.

The international community certainly was not happy with the stalemate of Cyprus, the evidence being the dramatic reduction in the strength of the United Nations Peace-keeping Force in Cyprus (UNFICYP), he continued. The "set of ideas" and the package of confidence-building measures contained in the Secretary-General's report (document S/24830) of 19 November 1992 contained useful proposals. Nigeria urged both sides to implement them. The two sides must demonstrate the necessary political will to adopt positions consistent with those ideas and measures in order to foster a climate conducive to a negotiated settlement of the dispute.

AMINE EL KHAZEN (Lebanon) said that Israel still controlled a large area of south Lebanon, uncaring of United Nations resolutions 425 (1978), 508 and 509 (1982) and of Human Rights Commission resolutions, the latest being resolution 67/1993. Israel had launched a large military operation against south Lebanon and the West Bekaa last July, causing hundreds of innocent

casualties, displacing thousands of inhabitants, and destroying their houses. Israel detained for several years more than 200 Lebanese, impeding the International Red Cross from visiting them.

It was time for Israel to abide by the appeals of the international institutions and release immediately all Lebanese and other detainees in Israeli prisons and detention centres, and put an end to their plight and that of their families, he said. Israel could not justify its shocking practices and violations of human rights, arguing self-defence and retaliation against the resistance operations, for those were the natural consequence of the occupation and the despair it generated. Also, those operations did not match the ferocity of Israeli military attacks. The Commission must continue its humanitarian mission in defence of the Lebanese citizen and his right to live in dignity on his free land. Lebanon called upon the international community to live up to its responsibilities.

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United Nations

Press Release

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HR/CN/545
2 March 1994

**PRESIDENT OF HAITI, IN ADDRESS TO HUMAN RIGHTS COMMISSION, CALLS FOR HELP IN ENDING '30 MONTHS OF TORTURE, 30 MONTHS OF HELL'**

**Commission Also Hears From Special Rapporteurs On Sudan, Equatorial Guinea, Cuba, Arbitrary Executions**

GENEVA, 2 March (UN Information Service) -- The international community must provide the people of Haiti with a way to free themselves from a military dictatorship that in "30 months of torture, 30 months of hell" had caused more than 5,000 deaths and had put more than 300,000 citizens to flight within the country, Haitian President Jean-Bertrand Aristide told the Commission on Human Rights this morning.

It was difficult to believe that the United Nations and such countries as the United States did not have the resources to end that "regime of terror", said President Aristide, who took office after democratic elections held in December 1990, but was forced to flee after a 30 September 1991 coup d'etat.

In 1993 and so far this year, violence had increased, President Aristide told the Commission. The putschists wished to condemn the country to slow extinction; they wanted the citizens to accept neo-colonialism or death. Those who were internally displaced were denied even the right to flee, he said -- if they got over "the new Berlin Wall" erected in the ocean just beyond Haiti, they were arrested and returned to the putschists. Many repatriated persons had been beaten and tortured. The real friends of Haiti must step up measures already taken to allow justice and reconciliation, he said.

The Commission also heard statements this morning from four Special Rapporteurs on the Sudan, Equatorial Guinea, Cuba and arbitrary executions.

Gaspar Biro said the situation of human rights in the Sudan had deteriorated and that grave violations were occurring on a wide scale, committed both by Government forces and by members of the Sudan People's Liberation Army. Those attributed to Government forces included extrajudicial killings and systematic torture, the Special Rapporteur said. He also termed several provisions of the Sudanese Criminal Act as cause for concern -- one provision, for example, allowed children to be sentenced to death.

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For information media—not an official record

Bacre Waly Ndiaye, Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, told the Commission that in 1993 more than 2,300 cases of reported arbitrary executions were communicated by letter to Governments, and information had been received from more than 70 countries. In many, violations of the right to life continued with impunity. The link between the ability to carry out effective investigations and the prevention of further abuses could not be overemphasized, he said. Impunity was the ruin of a state of law, prevented evil from being extirpated, and was a barrier to justice and democracy.

Alejandro Artucio, Special Rapporteur on the situation of human rights in Equatorial Guinea, said that while there had been positive changes there, including the acceptance of the principle of political pluralism and the release of political prisoners, serious violations continued to occur, including frequent arbitrary arrest, torture, and detention of political opponents. He urged the Government to ensure conditions that would allow administrative and legislative reforms.

Carl Johan Groth, Special Rapporteur on the situation of human rights in Cuba, told the Commission that the country continued to refuse to cooperate with him or to provide information, and that economic problems Cuba was experiencing were not a justification for continued violations of political and human rights. Mr. Groth said that the economic embargo imposed on Cuba by the United States was hampering reforms there, but counterproductive management was the main cause of problems with the Cuban economy.

The Commission carried on its debate on the question of violations of human rights anywhere in the world, hearing statements from the representatives of Cuba and the Sudan.

Violation of Human Rights and Fundamental Freedoms in Any Part of World

Among the documents before the Commission under this agenda item were reports on the situation of human rights in the former Yugoslavia, Cyprus, the Sudan, Iran, Zaire, Cuba, Afghanistan, southern Lebanon, Equatorial Guinea, Myanmar and Bougainville.

The report on the situation of human rights in former Yugoslavia (document E/CN.4/1994/47), submitted by Tadeusz Mazowiecki, Special Rapporteur of the Commission, described the human rights situations in Bosnia and Herzegovina, Croatia and in the Federal Republic of Yugoslavia (Serbia and Montenegro). The request of the Special Rapporteur to establish field offices in Croatia and The former Yugoslav Republic of Macedonia received affirmative replies by both States, whereas the The Federal Republic of Yugoslavia refused permission. According to the report, the Zagreb office was functional since the end of 1993. The report provided a wide-ranging assessment of the human rights situation and drew attention to the widespread abuse of the fundamental rights of residents of those States. In his report, the Special Rapporteur once again expressed concern over the continuation of "ethnic cleansing" in

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all its forms. He warned that a prolongation of the conflict in Bosnia and Herzegovina would lead to the commission of atrocities by all sides and the persecution of peoples of every ethnic origin.

As regards the question of human rights in Cyprus, a report of the Secretary-General notes that following intensive preparatory work in Nicosia in April/May 1993, a series of discussions was held under the auspices of the Secretary-General to implement a package of confidence-building measures. Those included provision for the reopening of the fenced area of Varosha and the reopening of Nicosia International Airport under United Nations administration. The implementation of the package would not only significantly benefit both communities, but would also have dramatic impact on overcoming mistrust and in facilitating an overall settlement of the Cyprus problem, according to the report.

A report on the situation of human rights in the Sudan prepared by the Special Rapporteur, Gaspar Biro, states that extrajudicial killings and summary executions have occurred in the areas of conflict in southern and central Sudan, where thousands of civilians are reported to have been killed in deliberate and indiscriminate attacks by Government forces. Cases of enforced or involuntary disappearances, torture, and other cruel, inhuman or degrading treatment, and arbitrary arrest and detention were also included.

In his report, the Rapporteur gives an account of grave violations and abuses committed against women and children -- abduction, traffic, enslavement and rape carried out by persons acting as agents of the Government. The report recommends that the Government abide by its human rights obligations under international law and that it be urged to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Government was also urged to guarantee freedom of religion and thought in accordance with the International Covenant on Civil and Political Rights, to which it is a party.

The report on the situation of human rights in Zaire, prepared by the Secretary-General, contains information provided by the Government in which it expressed its commitment to remain prepared to cooperate fully with United Nations human rights bodies. While assessing the overall situation in Zaire, the report states that the implementation of the political reforms announced on 24 April 1990 by President Mobutu Sese Seko has been postponed time and time again. According to the report, there was virtually total political deadlock throughout 1993, as two Prime Ministers, leading two rival Cabinets confronted one another for power and legitimacy. The deadlock in the democratization process and the prolonged political instability resulting from it are considered to be the main causes of the deterioration in the human rights situation in Zaire and the inter-ethnic disturbances.

The final report on the situation of human rights in Iran, prepared by the Special Representative, Reynaldo Galindo, contains information pertaining to the right to life, enforced or involuntary disappearances, the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, administration of justice, freedom of expression, opinion and the situation of

the press and other related questions. The report concludes that the situation in Iran did not change markedly during 1993. The requirements of due process of law have not yet been met, and no plans are known for making good existing legal shortcomings. According to the report, the official position of the Government was that such criticism stemmed from the Special Representative's ignorance of Islamic law, but the Representative reiterated that there is enough evidence to indicate that the situation of human rights and fundamental freedoms in Iran should remain under international scrutiny.

Furthermore, the Representative recommends that Iran be urged once again to take urgent and effective action to prevent its secret service agents from harassing Iranians living outside the country and their relatives living within it, or mounting attempts on the lives of exiles and refugees, whatever their political leanings. The report reminds the Iranian Government to carry out technical reforms to its penal legislation, and to ensure the due process of law, with special emphasis on the openness of political trials.

The report on the situation of human rights in Cuba, prepared by the Special Rapporteur, Carl-Johan Groth, states that a great many of the complaints received by the Rapporteur concern persons in some way linked to human rights, trade union or political groups, who indicate that they were visited by State security agents at their homes or workplaces and threatened with loss of employment or prosecution. The report describes the practice followed by the Government with regard to the right to enter and leave the country and describes prison conditions as alarming. According to the report, the Government still refuses to accept the decision of the Commission to continue monitoring human rights conditions in Cuba and rejects all cooperation with the Special Rapporteur. The Rapporteur calls on the authorities to afford him the opportunity to visit the country and to enter into open and direct dialogue.

The report on the situation in East Timor, submitted by the Secretary-General, contains an update on his good offices activities and information on actions taken by the thematic Special Rapporteurs and Working Groups of the Commission on the situation in East Timor. The report also includes actions taken by the Working Groups on Arbitrary Detention and on Enforced or Involuntary Disappearances. Included in this same report is information provided by the Governments of Indonesia and Portugal.

A report of the Secretary-General on cooperation with representatives of the United Nations human rights bodies highlights the investigations of: the Special Rapporteur on extrajudicial, summary or arbitrary executions, summarizing the situation in Argentina, Colombia, Guatemala, Rwanda and Turkey; the Working Group on enforced or involuntary disappearances; the Independent Expert on the situation of human rights in Guatemala; the Special Rapporteur on the situation of human rights in Haiti, reporting cases of intimidation against the International Civilian Mission in Haiti by the military; the Special Representative on the situation of human rights in Iran; and the Special Rapporteur on the situation of human rights in the Sudan.

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Another report, on the situation of human rights in Afghanistan, submitted by Felix Ermacora, Special Rapporteur, concludes that the human rights situation is far from being in conformity with international human rights instruments to which Afghanistan is a party; that the conflict in Kabul could and has spread to other cities and areas of the country; and that without a cease-fire and unhindered mobility on roads and airports, a peaceful settlement is currently not possible. It recommends that all groups disarm and stop the war; that all political groups release their prisoners and agree to have prisons visited by the International Committee of the Red Cross and the Special Rapporteur; and that humanitarian assistance should continue to be provided under international supervision.

With regard to the situation of human rights in southern Lebanon, the report of the Secretary-General states that so far the Minister for Foreign Affairs of Israel has not replied to a request for information concerning the extent of the implementation of the Commission on Human Rights resolution on the situation of human rights in southern Lebanon.

A report on the human rights situation in Equatorial Guinea, prepared by Alejandro Artucio, Special Rapporteur, concludes, among other things, that although there have been some positive measures adopted by the Government to promote greater respect for human rights, the independence and impartiality of the judiciary are not guaranteed nor is respect for the right to a defence during a trial; and that arrest and arbitrary detention of political opponents are still frequent in different regions and are often accompanied by torture and cruel and inhuman treatment. It recommends that the Government put an end to the previously mentioned violations of human rights and adopt legislative and administrative measures to guarantee the complete independence of the judiciary and ensure due legal process.

The report on the situation of human rights in Myanmar, prepared by Yozo Yokota, Special Rapporteur, expresses concern about the serious restrictions imposed upon people, and especially leaders of political parties, to enjoy civil and political rights. It recommends, among other things, that Myanmar law be brought into line with accepted international standards regarding protection of physical integrity rights; that the Government consider accession to the International Covenants on Human Rights and the Convention against Torture and the two Optional Protocols; and that the Government officially condemn all acts by its authorities involving human rights violations.

With regard to human rights violations in Bougainville, the report of the Secretary-General contains information on activities undertaken by the United Nations human rights mechanisms and procedures, including the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child. Several non-governmental organizations provided information including Amnesty International, Médecins sans Frontières and other sources.

The report on the situation of human rights in Haiti, submitted by Marco Tulio Bruni Celli, Special Rapporteur, concludes that the military does not intend to comply with the Governors Island Agreement or to accept President

Aristide's return or the restoration of the democratic process. Human rights violations occurred throughout the year, including murder, harassment, beatings and arbitrary imprisonment. It recommends that the Commission condemn the non-observance of the Agreement and endorse the decisions taken by the General Assembly, Security Council and other bodies to intensify sanctions against the military regime; that the Commission and other bodies of the United Nations and the Organization of American States (OAS) continue to observe and be apprised of the human rights situation to report violations; and that when the legitimate Government is reinstated, it should be helped through material and technical advisory assistance to develop programmes relating to issues such as the administration of justice, prison administration and investigation of crimes committed by the military.

The report on the situation of human rights in Togo, prepared by the Secretary-General, contains information from the Government concerning allegations of human rights abuses by the security forces. In its response, the Government states that the various cases of human rights violations were the result of profound lack of comprehension and understanding among the different protagonists in the nation's political life. The Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions noted with regret that Togolese human rights mechanisms such as the Ministry of Human Rights seemed to have only a limited impact on investigations and prosecutions concerning the grave allegations of violations of the right to life. Information concerning arrests and deaths in detention, torture or inhuman treatment and cases of suppression of freedom of expression, which were brought to the Secretary-General's attention, were also included in the report.

Address by President of Haiti

JEAN-BERTRAND ARISTIDE, President of Haiti, told the Commission that since the coup d'etat on 30 September 1991, a bloody, ferocious and barbarous dictatorship had caused more than 5,000 deaths. Human rights violations under the military dictatorship had increased in 1993 and so far in 1994. The putschists wished to condemn the country to slow extinction, to force the people to accept neo-colonialism or death. There were assassinations, arbitrary arrests and cases of torture. News vendors were attacked by security forces and journalists were forced to live underground. Genocide was going on before the very eyes of the international community and the armed forces and their civil supporters enjoyed total impunity.

There were 300,000 internally displaced persons in the country, many living in inhuman misery, he stated. They were denied even the right to flee. If they got over the new Berlin Wall erected in the ocean just beyond Haiti, they were arrested and returned to the putschists. Many repatriated persons had been beaten and tortured. There had been 30 months of torture, 30 months of hell since the coup d'etat. The military dictatorship must be stopped, and stopped now. All must shoulder their responsibilities in the geo-political arena; no one could be neutral in this situation. To create a new world order, all partners must recognize their obligations.

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The real friends of Haiti must step up the measures already taken to allow justice and reconciliation, the President declared. The true friends of Haiti would help to find funds to help the victims of the coup. The international community should provide the people of Haiti with the way to free themselves from this regime of terror. It was difficult to believe that the United Nations, and such countries as the United States, did not have the resources to do so.

Statements on Violations of Human Rights

GASPAR BIRO, Special Rapporteur on the situation of human rights in the Sudan, said that although he appreciated the cooperation from the Government, flights to locations in the conflict zones were denied by the Government or only provided after a delay. A serious incident was the arrest of several persons who had met the Special Rapporteur during his first visit to the Sudan. Although those persons were finally released, several were threatened, exposed to degrading treatment and verbally abused. Today, the situation had deteriorated to such an extent that grave and widespread violations of human rights by Government forces, as well as abuses by members of the factions of the Sudan People's Liberation Army in zones controlled by them, continued to occur on a wide scale.

Violations attributed to Government forces included widespread arbitrary arrest, systematic torture and, in the conflict zones, large numbers of extrajudicial killings and summary executions, he stated. Many suspected Government opponents were victims of violations by Government forces. Women and children were indeed the principal victims of the conflict and were vulnerable to slavery, forced labour, servitude and similar abuses. Most of the violations reported in the Government-controlled areas had been consistently denied by the Government.

Concerning the penal legislation, several provisions in the Sudanese Criminal Act were incompatible with the obligations of the Government under international law, he said. For example, children could be sentenced to death. Regarding the Government's opinion that his views on the penal legislation constituted an attack on Islam and the freedom of religion of the people of the Sudan, the Special Rapporteur quoted the International Covenant on Civil and Political Rights, which stipulated that no party might exercise a right in a manner "aimed at the destruction of any of the rights and freedoms" recognized therein.

BACRE WALY NDIAYE, Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, told the Commission that summary executions had spared no continent in 1993. Neither were children and women spared, nor those seeking the right to self-determination or the right to live on ancestral lands, or those who were poor and condemned to the jungles of large cities. More than 2,300 cases of reported executions were communicated by letter to Governments. He had received information on arbitrary executions from more than 70 countries. In many, violations of the right to life continued with impunity, and the link between the ability to carry out effective investigations and the prevention of further arbitrary executions could not be

overemphasized. Impunity was the ruin of a state of law, prevented evil from being extirpated, and was a barrier to justice and democracy.

The Commission should continue efforts to set up a forensic team to aid investigations of arbitrary or summary executions, and countries should take advantage of such expertise, the Special Rapporteur said. Throughout the world, there was a tendency to expand the use of the death penalty and at the same time to reduce mechanisms to guarantee impartiality and fair trials. Algeria, China and the United States were among the countries falling into this category. Further work was threatened by a lack of resources -- more staff and technical backup were desperately needed.

ALEJANDRO ARTUCIO, Special Rapporteur on the situation of human rights in Equatorial Guinea, said he had total cooperation from the Centre for Human Rights as well as from the authorities of the country. He noted certain positive changes in the human rights situation, including the acceptance of the principals of having several political parties, and the release of political prisoners. However, the changes were not enough to indicate respect for human rights and serious violations continued to occur. The civilian society was not able to participate adequately in economic, social and political life, since the State was involved in most of those areas.

There had been no changes in the legal structure of the State and there were no guarantees of the objectivity of the judiciary, he continued. In addition, irregularities existed in the administration of justice which was exacerbated by the lack of written publication of the laws. Arbitrary arrest, torture and detention of political opponents on the islands and mainland occurred frequently and those responsible did not appear to be punished. Positively, penal authorities, listening to the recommendations of the Rapporteur, were treating prisoners better.

There was no respect for freedom of expression, and religious freedom was not protected by laws, he said. The security services of the State held on to passports for months, which limited the possibility of citizens to travel abroad. The Rapporteur urged the Government to ensure a series of basic conditions which would lead to the adoption of specific legislative and administrative measures. He concluded that for such basic conditions to be complied with, technical assistance would help considerably, which should be monitored and managed to provide maximum assistance.

CARL JOHAN GROTH, Special Rapporteur on the situation of human rights in Cuba, said that the Government continued to refuse to cooperate with him or to provide information. That lack of cooperation prevented his intervention in many individual cases where the victims asked him for some kind of action. Problems in economic, social and cultural rights were not a justification for shortcomings in political and human rights. He critized the lack of opportunity for citizens at all levels to express and defend their interests and opinions, especially where those did not coincide with those of the Government. Particularly vulnerable were groups defending trade union rights

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or political activities, in spite of the fact that they used only peaceful means. There were 100 such groups in the country under excessive control of the Government and their numbers seemed to be increasing.

Social and political control was exercised through the adoption of discriminatory measures such as arbitrary dismissal from work, harassment by security forces and detention, trial and sentencing for offences such as hostile propaganda or unlawful assembly, he said. Imprisonment under the worst conditions for years was not uncommon and priority should be given to improving the situation in prisons. Violations of the right to life did not appear to be the case in Cuba, although excessive force was used when people attempted to leave the island. He thought economic reforms were being curbed by ideological measures. The United States embargo hampered the reforms and increased their costs, but counterproductive management of the economy was the main cause of the economic situation. He called on the Government of Cuba to step up measures to increase freedom.

JOSE PEREZ NOVOA (Cuba) said that the hostility of the northern countries to Cuba had been without parallel, especially in the form of the economic blockade imposed on the country. The shameless manipulation of human rights for political ends, and the false campaign of allegations of violations in the country, only showed the extent of the power held by the United States within the Commission. The United States was not tiring of that calumnious, false, and base exercise. Cuba would never accept the imposition of a Special Rapporteur based on reasons that were unjust, based not on concern for human rights but on political double standards. Under just circumstances, Cuba would of course cooperate with the Commission and the United Nations, as it always had. The report on Cuba was just as false and unfair and reflective of the old double standards, as the others had been. The Commission must recommend that the United States end its cruel and illegal blockade of Cuba.

ABDELAZIZ SHIDDO (Sudan) said that selectivity, partiality, non-objectivity, and manipulation of the United Nations human rights system, in order to achieve political and ulterior purposes, were manifested in the first final report of the Special Rapporteur for the Sudan. The ultimate objective of this exercise was to recommend abolition of the Islamic Sharia laws applicable in the Sudan. This evil design reflected a vicious attack on fundamental principles of Islamic penal legislation and against the Islamic faith. Mr. Biro's lack of knowledge of Islamic Sharia as a source of public international law had led him to make the kind of irresponsible remarks he included in his report about two main sources of Islamic Law.

Mr. Biro had relied on information fed to him outside the Sudan by elements of the corrupt and self-exiled Sudanese opposition and as a result, his report was a compilation of malicious allegations and sweeping and unfounded remarks, the speaker declared. The Government urged the Commission to withdraw paragraphs 59, 60, 61 and 133 (a) of the document, pertaining to Islamic penal doctrines and abolition of Sharia legislation in the Sudan; and to be aware of the fact that human rights violations attributed to the Sudan were not a systematic policy of the Government, but rather a product of a prevailing armed conflict. In the light of the above, the Commission was requested to discontinue consideration of the human rights situation in the Sudan. Otherwise, the Government would no longer cooperate with, or receive in its territory, Gaspar Biro for the contempt he has shown to Islam.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

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18 March 1994

CAMBODIAN MINISTER OF INFORMATION TELLS HUMAN RIGHTS COMMISSION

KHMER ROUGE REBELS CONTINUE TO OPERATE INSIDE COUNTRY

Debate Continues on Violations of Human Rights Anywhere in World

(Delayed in transmission.)

GENEVA, 4 March (UN Information Service) -- Cambodia's peace is being threatened by Khmer Rouge rebels who continue to operate inside the country, Ieng Mouly, the Minister of Information of Cambodia, told the Commission on Human Rights this afternoon. Although Cambodians were free to express their minds, the problem of insecurity and banditry was curtailing that freedom, as the rebels continue to attack innocent villagers, burning their houses and destroying their crops in remote areas, he added. He called on the international community to help Cambodia tackle the problem created by the millions of land-mines laid in the country during 20 years of conflict. His country was too poor to resolve that problem by itself, he said.

Also this afternoon, Michael Kirby, Special Representative of the Secretary-General on the situation of human rights in Cambodia, said that country was struggling to rebuild an infrastructure that would protect human rights and deserved the support of the international community to reach that goal. He called on Governments to desist from providing support to the armed groups which had refused or failed to participate in the moves of Cambodia towards democracy and respect for human rights.

In the continuing debate on human rights violations anywhere in the world, speakers called for the appointment of special rapporteurs of the Commission to examine the situations of human rights in Colombia and in Ethiopia. There were also calls for the Commission to consider again under the present agenda item the human rights situations in El Salvador and Guatemala. The need to respond to early warning signs of conflicts of nationalities was stressed. There was also an appeal to the international community to face up to the challenge of protecting human rights in situations of internal armed conflicts.

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For information media--not an official record

Also making statements this afternoon were the representatives of China, Turkey, Bosnia and Herzegovina, Nigeria, Malaysia, Cyprus, Brazil, India and Greece (on behalf of the European Union).

Other statements were made by representatives of the following non-governmental organizations: Human Rights Advocates, Fondation Danielle Mitterrand, International Federation of Human Rights, Amnesty International, Inter-Parliamentary Union, Arab Organization for Human Rights, Baha'i International Community, Minority Rights Group, World Federalist Movement, American Association of Jurists, International Federation of Action of Christians for the Abolition of Torture, War Resisters International, Commission of the Churches on International Affairs, Women's International League for Peace and Freedom, Christian Democrat International, Human Rights Watch, Anti-Slavery International, African Association of Education for Development, International Union of Young Christian Democrats, Arab Lawyers Union, International Indian Treaty Council, All India Women's Conference, Survival International and World Organization against Torture.

The representative of Iraq spoke in exercise of the right of reply.

Address by Minister of Information of Cambodia

IENG MOULY, Minister of Information of Cambodia, said the main cause of the tragedy that had afflicted the Cambodian people for over two decades had been the violation of human rights. As part of the comprehensive settlement of the conflict reached in October 1991, and as a measure to achieve a lasting peace, all warring parties had agreed to respect and protect human rights and to incorporate that respect and protection in the country's Constitution.

Continuing, he said the United Nations Transitional Authority in Cambodia (UNTAC) had been able to contain waves of violations of human rights, including intimidation and violence against political opponents, as well as ethnic violence. Under UNTAC, several human rights organizations had been created and were now active in promoting respect for and understanding of human rights. The Authority had also succeeded in holding elections in which almost 90 per cent of the registered voters had exercised their rights in defiance of all intimidations from the Khmer Rouge, and had cast their ballots to elect a Constitutional Assembly.

Cambodians were now free citizens and their fears to speak their minds were fast disappearing, he said. However, they were still experiencing insecurity and banditry as the Khmer Rouge rebels were still waging war against the democratically elected Government. Stating that the Khmer Rouge was a threat to human rights, he appealed to the international community to help halt all direct and indirect assistance extended to the rebels.

Stressing his country's commitment to human rights, fundamental freedoms, multi-party democracy and the rule of law, he drew attention to the problem created by the estimated 8 to 10 million land-mines indiscriminately laid in Cambodia over the last two decades of conflict. That problem was a serious obstacle to the freedom of movement of the people and to their enjoyment of

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economic and social rights, he said. He called upon the international community to cooperate with Cambodia to tackle the land-mines problem, which was beyond the country's resources.

Statements in Debate

MICHAEL KIRBY, Special Representative of the Secretary-General on human rights in Cambodia, said that in the parade of horror stories and deprivations of human rights which came before the Commission, Cambodia had secured a special place. After enormous suffering, it was struggling to rebuild an infrastructure that would protect human rights. It deserved more support from the international community than mere words. Cambodia exemplified the way in which United Nations assistance in human rights matters could evolve in the future. Human rights should become a true national movement, not something foreign imposed from outside.

He said said that in performing his tasks he had received great help and support from the Royal National Government of Cambodia. However, that picture of cooperation and support should not disguise the fragile and shattered state of human rights there. Cambodia remained a country traumatized by the recent past and threatened by continuing security problems. There were serious problems in the administration of justice and the practices affecting due process. There was an urgent need for establishing effective national institutions to protect human rights. The office of the Centre for Human Rights in Cambodia was running out of funds and was living on a day-to-day allocation. He urged support for the office and called for its eventual expansion to at least one provincial centre. The Human Rights Commission of the National Assembly must also be supported by the Commission.

No study of human rights in Cambodia could ignore the deadly peril of land-mines, he continued. They took a daily toll on the right to life and the right to movement. In addition, they destabilized Cambodian society which, together with that of Angola, had the highest number of war-caused amputees in the world. Governments and armed forces of Member States should desist from providing support, explicit or tacit, to the armed groups which had refused or failed to participate in the moves of Cambodia towards democracy and respect for human rights. The experience of UNTAC, although largely a success story, illustrated the need for the training of United Nations peace-keeping forces in local cultures, as well as in the risks of HIV/AIDS. It had also showed the need for a discipline code and for means to redress the wrongs allegedly committed by United Nations officials and troops.

JIN YONGJIAN (China) said his Government had always attached great importance to the promotion and protection of human rights through legislative, judicial and other measures. China's Constitution stipulated that the power belonged to the people. There were 56 nationalities in China and the Constitution prohibited oppression of and discrimination against any nationality. The Government was stepping up efforts to build up democracy and the legal system with a view to further promoting social development and upholding the people's rights and interests. He opposed in the strongest terms any type of interference in the internal affairs of a sovereign State

and the exertion of political pressures under the pretext of protecting human rights. Some Western countries were deliberately ignoring China's progress and development, as well as the fact that the Chinese people were enjoying a broad range of human rights.

SINA BAYDUR (Turkey) said genocide could not be considered an ordinary human rights violation, adding that it should rather be prevented and punished. Ethno-nationalism, racism and fundamentalism had certain characteristics in common, including violence and exclusion. The Workers Party of Kurdistan waged terrorist warfare with the professed aim of achieving self-determination for the Kurds of Turkey. The claim that they represented the Kurds was a fallacy. The Kurds of the country's south-east were given two choices: either they rallied with the extreme nationalism of the Workers Party or they would be massacred by it. The fact that the Workers Party had practically silenced the more peaceful Kurdish movements and intellectuals, had contributed to polarization among the Kurds. The Workers Party aimed at the destruction of the State and used State institutions as its primary targets while, at the same time, expecting the State to secure respect for their human rights. There was a glaring contradiction in that attitude.

MUSTAFA BIJEDIC (Bosnia and Herzegovina) said the international community had, under the pressure of some leading members of the Security Council, conveniently failed to define what had happened in Bosnia and Herzegovina as aggression and genocide. There had been a conscious orchestration of seemingly logical excuses, specifically designed to justify inaction. That had made those countries partners in the crime of genocide. Even today, when some forces with a sense of understanding of the real problem in Bosnia and Herzegovina belatedly attempted to put an end to the slaughter of innocent civilians, there appeared to be deviations from clear-cut decisions. The United Nations experts who collected evidence on crimes against humanity acted sluggishly and indifferently. In addition, they followed biased instructions of the political centres in the United Nations.

The Special Rapporteur on the situation of human rights in the former Yugoslavia was ostracized from the negotiating process for the simple reason that he was fair, he said. A short perusal of the decisions so far taken by the Commission revealed clearly that there was a strong tendency to equate the victim with the aggressor, to reach a false balance between right and wrong and to avoid at all cost fulfilling obligations to act against war crimes and genocide. So far the toll was more than 200,000 killed, more than 65,000 heavily wounded, more than 40,000 raped, more than 16,000 children massacred, more than 6,000 amputees and more than a million refugees. To those who had not done anything to stop the bloodshed, there was nothing to offer but the nightmares of the "Bosnian Holocaust".

HRAIR BALIAN, of the Human Rights Advocates, stressed the need to respond to early warning signs of conflicts of nationalities, in particular in the independent Republics of the former Soviet Union. The international community was reticent to respond adequately to early warnings of human rights violations, while constructive solutions were still possible. During the past two years, three such conflicts -- in Tajikistan, Nagorno Karabakh and

Abkhazia -- had developed into full-scale wars, claiming more than 50,000 deaths, displacing millions of civilians and threatening regional peace and security.

He said that efforts by the international community must be based on the rights of minority groups to enjoy their existence and identity, as well as on the principles of equal rights and self-determination. The Commission must seek to identify situations that could produce conflict at the earliest possible stage and try to remove the sources of danger before violence erupted. It should also review its role during the earlier stages of the Abkhazia and Nagorno Karabakh conflicts to determine ways in which, in the future, it could address more effectively similar early warning signs.

FRANCOISE BRIE, of the Fondation Danielle Mitterrand, said the situations in El Salvador and Guatemala must again be considered under the agenda item concerning violations of human rights and fundamental freedoms. In Tibet, the situation of human rights was alarming. The Tibetans were being overwhelmed by arriving Chinese, environmental damage was high, and there was intense religious discrimination. Cultural genocide was being practised. She called on the United Nations to act, adding that non-governmental organizations should have access to Tibet without restrictions. The Commission should adopt a resolution on the situation in Tibet. In south-eastern Turkey, genocide was being practised against the Kurdish population. There were arbitrary detentions, torture and executions, and opposition political figures were being harassed and even assassinated. The Commission must condemn Turkey's actions and appoint a special rapporteur to investigate the situation there.

JOSETTE NISSOT, of the International Federation of Human Rights, said that the human rights situation in Zaire was deteriorating having reached an alarming stage. The number of victims of summary executions had increased, particularly in Shaba and Kivu, where inter-ethnic conflict had intensified. Those confrontations had resulted in the deaths of more than a thousand persons and in the exodus of millions of people. She also reviewed the human rights situations in Togo, Chad, Burundi, Sudan, Guatemala, El Salvador, China and Kosovo.

ISABELLE SCHERER, of Amnesty International, said that in the last year, her organization had issued appeals concerning human rights violations in connection with armed conflicts in more than 15 countries. Last month it had published a report on peace-keeping and human rights, covering United Nations operations in more than a dozen situations. Most violations had been committed by the official State apparatus, but Amnesty had also called attention to abuses by armed opposition groups. All too often, however, Governments used such abuses as an excuse for intensifying repression so that armed conflict became the pretext, as well as the context, for appalling violations of human rights. Such a pattern could be seen in Algeria, Colombia, East Timor, Iraq, Sudan, Turkey and the former Yugoslavia. She condemned all arbitrary killings of non-combatants and "disappearances", regardless of who was responsible for them. She urged every Government and the Commission to face up to the challenge of protecting human rights in situations of internal armed conflicts.

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ANDERS JOHNSON, of the Inter-Parliamentary Union, expressed concern over the human rights situations in the former Yugoslavia and Cyprus, adding that parliamentarians in many countries were in danger. "Ethnic cleansing", rape and other violations in the former Yugoslavia had to be condemned energetically, and a woman should be appointed as special rapporteur on the question of violence against women. The Human Rights Committee of Parliamentarians had heard complaints of over 150 violations of parliamentarians' rights. When such individuals were victims of human rights violations, one could be fairly sure that the same was happening with other citizens of their countries. Among countries concerned he cited Indonesia, Cyprus, Uzbekistan, Bulgaria, Togo, Colombia, Honduras, Turkey, Haiti and Myanmar. He called on the international community to take strong measures to protect parliamentarians.

MOHAMMAD FAYER, of the Arab Organization for Human Rights, condemned the massacre in the Mosque in Hebron in which 60 Palestinians had been killed and many more wounded. He stressed the need to keep the occupied territories under international protection. Turning to others situations, he said that political violence in Algeria, the Sudan, Jordan, Yemen and Egypt had made many innocent victims. In the Sudan, particularly in the southern part, summary executions of civilians were being committed by the armed forces. Such acts of violence had made people flee the region to get shelter in neighbouring countries. While advocating the lifting of the economic embargo against Iraq, at the same time, he advised Iraq to respect the human rights of its citizens.

TECHESTE AHDEROM, of the Baha'i International Community, said that after 15 years, the Baha'i community in Iran continued to suffer unabated persecution. It was exposed to arbitrary harassment, arrest and imprisonment by the Government, and their fundamental human rights, including the right to life, were being violated. The situation warranted continued monitoring by the Commission. Recalling that the Iranian delegate had said that all citizens in Iran were protected under the law and enjoyed the same rights, he said such a statement did not square with the assessment of the human rights situation of the Baha'is made by United Nations bodies. It was abundantly clear that the Baha'is in Iran were persecuted solely on religious grounds. He called on the Commission to renew the mandate of the Special Representative on the situation of human rights in Iran for another year and to continue monitoring the situation of the Baha'is there.

ANNE BOUVIER, of the Minority Rights Group, drew attention to the impact of difficulties of inter-community relations. The cases of South Africa and Israel had for too long been examples of that difficulty and its impact on human rights. Cases of non-resolved self-determination issues included Palestine, Western Sahara, East Timor, Tibet and Kurdistan. In the former Yugoslavia, in Bosnia and Herzegovina, in Kosovo as well as in Albania and Romania, majority/minority relations were a key issue. In Iraq, Iran, Burma, the Sudan, Zaire and Somalia, the denial of minority rights had led to violations of human rights. A forum was needed for minorities to be heard in

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the United Nations. Enabling people to speak about their situations and engage in a dialogue with Governments, would help to defuse tensions and hopefully diminish human rights violations.

MICHA MILOSOVIC, of the World Federalist Movement, stated his organization's commitment to the realization of a federalist system in Yugoslavia. He recalled that several States and organizations had expressed reservations to the report submitted by the Special Rapporteur on the situation of human rights in the former Yugoslavia. He regretted that the Rapporteur could not identify the difficulties being experienced by the minority Serbs in Slovakia, where their minority status was being ignored by the authorities. The allegations attributed to the Serbs concerning "ethnic cleansing" in Bosnia and Herzegovina were based on unconfirmed sources, he said. In many regions, the Muslim authorities had continued their massacre of the Serbian population.

ALEJANDRO TEITELBAUM, of the American Association of Jurists, said that the recent slaughter in Hebron had not been the act of a psychopath but a carefully orchestrated act planned by Israeli settlers. He called on the Commission to return to its examination of the situation in Guatemala under its consideration of violations of human rights and fundamental freedoms. In Peru and Colombia serious human rights violations continued, and in El Salvador the Government had shown a lack of will to restrain death squads and put an end to the violence against the population. He called on the international community to stop negotiating with Haiti's dictatorship and to demand the return to power of President Jean Bertrand Aristide. Turning to situation in Mexico, he said that 36 non-governmental organizations had documented human rights problems there, especially involving indigenous peoples. Impunity was widespread. The armed conflict in Chiapas should be understood in the context of serious human rights abuses.

CAROL LAGER, of the International Federation of Action of Christians for the Abolition of Torture, said that in Peru violations of human rights had neither been identified nor eradicated. Actually, the situation was deteriorating. The Government continued to carry out the role of the judiciary. The military tribunals persisted in imposing their rules and, against all international instruments relating to capital punishment, they had so far passed death sentences upon 200 persons.

MICHEL MONOD, of the War Resisters International, speaking on behalf of deserters and conscientious objectors in the former Yugoslavia, said they should be allowed to obtain a laissez passer in order to seek refuge abroad. The Special Rapporteur on the situation of human rights in the former Yugoslavia should look into that. The whole region of the former Yugoslavia should become a demilitarized zone.

CHARLES HARPER, of the Commission of the Churches on International Affairs, said that the failure to implement the accords to return the President of Haiti to power was compounded by the evident lack of political will on the part of the major international Powers to overcome the obstacles placed by the de facto military regime. Regarding Sri Lanka, he said that the

ethnic conflict there had gone on unabated for over a decade, causing widespread human rights suffering and misery. He also drew attention to violations of human rights in Mexico, Cambodia and Mozambique.

COLLEEN BURKE, of the Women's International League for Peace and Freedom, drawing attention to the situation in Colombia, said there were serious violations of the fundamental rights affecting women, including murder, "social cleansing" and internal displacement. Most of those attacks were committed by State agents. She called for the appointment of a special rapporteur on the situation of human rights in Colombia. Regarding the former Yugoslavia, she said many Croatians had disappeared, taken by the withdrawing Serbian Army. She called on the Commission to help find information about the missing people in the former Yugoslavia.

AMAYA SANCHEZ, of the Christian Democrat International, drawing attention to the lack of pluralism in Cuban society, said that prisoners continued to stay behind bars without any legal assistance. The international conventions of the International Labour Organisation concerning the right to work were systematically rejected by the Cuban Government. People were forcefully displaced to work against their will. With regard to Haiti, she said the economic embargo had increased the suffering of the people without producing any immediate effect upon the military regime.

JOANNA WESCHLER, of Human Rights Watch, expressed deep concern over the human rights consequences of armed conflicts. In Angola, one of the world's bloodiest conflicts was under way. Since October, when fighting resumed, reports of human rights violations by both sides had increased. In Bosnia and Herzegovina, all parties to the conflict had been guilty of human rights violations, although the chief offenders had been Serbian military and paramilitary forces. Indian human rights groups and the international press had reported on the widespread use of rape by the security forces of India in Kashmir. Noting the proliferation in the use of land-mines, which continued to kill indiscriminately long after the fighting had stopped, she said that de-mining efforts supported by the international community were an important first step towards dealing with that major human rights problem.

MESFIN WOLDE MARIAM, of the Anti-Slavery International, said violations of human rights were the main tool of dictatorial rule. However, they only attracted attention when they became violent, as had occurred in Liberia and Somalia. In Ethiopia, the rule of law and enjoyment of human rights were still far from being implemented. The Ethiopian people remained victims of extrajudicial killings, disappearances, starvation, illegal detentions and torture. Also, a campaign was going on to silence journalists. He called on the Commission to appoint a special rapporteur on the human rights situation there.

CELESTINO BACALE, of the African Association of Education for Development, said that the human rights situation in Equatorial Guinea was deteriorating and people were heavily repressed by the dictatorial regime.

Citizens were deprived of basic human rights and fundamental freedoms. The security forces of the Government could detain and torture any person at any time.

MARTA ROSA TRUJILLO, of the International Union of Young Christian Democrats, said that little had changed in Cuba regarding human rights. In recent months, the Government had maintained a policy of political intransigence in the midst of the deep-rooted problems affecting the country. Most of the political prisioners were young people accused of crimes such as unlawful association. Furthermore, young people also made up a large number of the "raft people", of whom only one in three people rafting to Florida made it alive. She opposed any outlook preventing the self-determination of the Cuban people and also opposed the United States economic embargo against Cuba. She said that the civil and political rights of the people could not wait until relations between the Cuban Government and the United States improved. Cuba should consider the appeal for political dialogue made by several bodies. She expressed the hope that it would not be necessary for civil violence to erupt before changes occurred.

FAROUK ABU EISSA, of the Arab Lawyers Union, said the human rights violations occurring today in Bosnia and Herzegovina were a tragedy to civilization. The lack of action by some northern countries made them accomplices in a conspiracy against Bosnia's Muslim population. The Security Council must intervene immediately to impose all the resolutions adopted by the United Nations regarding the Palestinian people, including the total withdrawal of Israel from occupied Arab territories. He expressed satisfaction over the fact that the report of the Special Rapporteur on the situation of human rights in the Sudan had shown the dismal record of human rights in that country. The intervention of the Security Council was necessary to stop the war in the Sudan. He asked the Commission to adopt a resolution calling for the intensification of the efforts to uncover the fate of Mansour Al-Kikhia, a Libyan jurist who disappeared.

JUANITA BATZIBAL, of the International Indian Treaty Council, said that, despite the many treaties signed between the United States and the indigenous population, the human rights of Indians continued to be violated. She also drew attention to violations of human rights in El Salvador, Bougainville, East Timor and Sri Lanka.

S. BHAN, of the All India Women's Conference, said that as a Kashmiri, she was a victim of the violence of fundamentalist terrorism unleashed by a theocratic Pakistan. She said Pakistan had been trying for the last 47 years to unsettle a society which had lived in peace and harmony for thousands of years. She accused Pakistan of introducing sophisticated arms and ammunition to the Kashmir Valley, which had caused harm to the Kashmiri society.

GEORGE RICH, of Survival International, said the Government of Canada continued to deny the Innu people the right to freely determine their own future. From the middle of this century on, the Innu population of the Labrador/Ungava peninsula had been subjected to a number of Canadian Government organized relocations. Abruptly, the system for transmitting the

knowledge and values that put order and gave meaning to their lives was broken. The report of the Canadian Human Rights Commission had described in detail the Government and Church policies that had brought the Mashuau Innu to the brink of complete social collapse. While Survival International welcomed evidence of Canada's willingness to at last acknowledge the legacy of its rule over the Innu and to deal with the consequences, it awaited evidence that a new approach had actually been adopted.

FERNANDO MEJIA, of the World Organization against Torture, said thousands of people were suffering human rights violations around the world including in Iraq, Zaire, Iran, Bougainville, East Timor, Haiti, Cuba, Burundi and Rwanda. He called on the Commission to make every effort to restore democratic legitimacy to Haiti. The Commission should reaffirm the recommendations of the Special Rapporteur on the situation of human rights in Cuba and demand an end to the economic embargo imposed by the United States against that country. The situation in Tibet also required the attention of the Commission and China should cease its repressive practices there. In Mexico, the initiatives for peace were positive, but some sectors were keeping indigenous peoples on the sidelines and impunity occurred.

C.U. GWAM (Nigeria) said that failure to promote all aspects of human rights should give reason for greater understanding, renewed commitment and joint action to eliminate all violations. In many States, particularly in developing countries, human rights were not enjoyed because of structural impediments arising out of inherited legacies and malformed institutions compounded by inter-ethnic and intra-ethnic rivalry. In other places, post-cold war changes had led to the collapse of old States and the quest to create and assert new identities.

MUSA HITAM (Malaysia) asked whether the Serbs would have committed atrocities had Western countries taken a firm stance followed by action against them from the onset of the crisis. Unbelievably flimsy excuses had been offered as to why forceful action should or could not have been taken against the Serbs, including "fear of retaliation". Furthermore, while the West was reluctant to send extra troops to shore up United Nations Protection Force (UNPROFOR), it had opposed the offer of the Organization of the Islamic Conference to contribute troops on the grounds that they would be biased. Malaysia was unable to comprehend the impotence of the powers that be to come to the aid of Bosnia. Although Serbian guns around Sarajevo were now silenced, atrocities were still being committed, Sarajevo was still a city under siege and humanitarian relief operations were still being hampered. The North Atlantic Treaty Organization (NATO) should extend the ultimatum of air strikes to other areas under siege to create a positive environment for negotiations and take decisive actions against any violation of conditions imposed on the area.

NICOLAS MACRIS (Cyprus) said that the human rights and fundamental freedoms of the people of Cyprus were being violated in disregard of United Nations resolutions, including those of the Commission. Pending a settlement of the problem, the attention of the international community should not be distracted from the gravity of the situation of human rights in Cyprus. The

nature of violations remained unchanged, although some categories had gained in intensity, making the restoration and exercise of the rights of the people more difficult. The occupying Power had pursued a systematic policy designed to alter the demographic character of the occupied part, in breach of the Geneva Conventions.

J.A. LINDGREN ALVES (Brazil) said that there was a false assumption that Governments simply had to refrain from acting and violations would not occur. Brazil considered the establishment of thematic rapporteurs as one of the main recourses of the international system to protect human rights. However, Brazil was struck by the total absence of references in the report of the Special Rapporteur on summary executions to countries and events where summary executions were widely publicized the world over, while other cases, where due process of law was taking place, were still registered. One of the most laudable tasks performed by the special rapporteurs who monitored countries affected by some kind of civil strife had been their efforts also to cover violations of human rights on the part of insurgent movements. Another important aspect was the number of Governments that had cooperated with the special rapporteurs by allowing in situ missions, personal interviews with opposition parties and non-governmental organizations, and by facilitating access to prisons and centres of detention.

SAVITRI KUNADI (India) said that the division of Cyprus had brought misery and untold suffering to its population. The human dimension of the problem was sadly manifested in the displacement and separation of individuals, families and communities. The 1992 Summit of Non-Aligned Countries had called for the withdrawal of foreign forces. While stating that the status quo was not acceptable, it had welcomed efforts for finding a just solution to the problem, which would provide for the restoration of the human rights and fundamental freedoms of all Cypriots. The Commonwealth Heads of Government had also emphasized that nothing should be done which would result in changes in the demographic structure of Cyprus. India supported the efforts of the Secretary-General to find a just and viable solution to the Cyprus question.

EMMANUEL MEGALOKONOMOS (Greece), speaking on behalf of the European Union, said that the Governments of the Union did not tolerate the development of xenophobic violence and racial hatred in Europe and would spare no effort to put an end to such criminal acts which clearly broke the laws. He welcomed the International Tribunal established to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991, and expressed the hope that it would soon begin to prosecute those responsible for violations of human rights. The European Union remained concerned with the tragic division of Cyprus and reiterated its commitment to a just and lasting solution to that problem. Although Turkey had implemented legislative reforms concerning protection of human rights, the Union was concerned by the systematic character of the practice of torture there.

Continuing, he said that since the end of hostilities in El Salvador extrajudicial or arbitrary executions, torture and arbitrary detentions were

still occurring. He urged Guatemala to improve the situation of indigenous people by allowing their full participation in the political process and to bring to justice those responsible for violations of human rights.

The European Union condemned the atrocities being committed in Bosnia and Herzegovina and welcomed recent measures to withdraw and place under United Nations control the heavy weaponry from Sarajevo and its surroundings, he said. That had to be followed, in particular, by the full lifting of the siege of Sarajevo and the opening of the Tuzla Airport. He expressed deep concern over the murderous attacks on UNPROFOR personnel and on the staff of the United Nations High Commissioner for Refugees and other international humanitarian agencies and non-governmental organizations helping the civilian population as well as on journalists. He urged all involved in the conflict to contribute urgently and constructively to the peace negotiations on the basis of the plan submitted by the European Union. He also reviewed the situation of human rights in Albania, Georgia, Armenia, Azerbaijan, El Salvador, Guatemala, Haiti, Peru, Somalia, South Africa, the Sudan, Togo, Algeria, Iraq, the occupied Arab territories, Iraq and Iran, among others.

Right of Reply

MUNIR ALKADHI (Iraq) said Amnesty International had referred to the human rights situation in Iraq. Amnesty was an instrument in the hands of the great Powers and if it had wanted to be fair, it would not have spoken in such a general manner. Furthermore, Amnesty had not asked that resources be directed towards buying food for Iraqi children. He added that the Arab Union of Jurists had used the report of the Special Rapporteur on the situation of human rights in Iraq to base its comments.

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United Nations

Press Release

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# HIGH COMMISSIONER FOR HUMAN RIGHTS TELLS COMMISSION HE WILL INVITE ALL GOVERNMENTS TO FRANK AND UNBIASED DIALOGUE WITH HIM

## Debate Continues on Human Rights Violations Anywhere in World

(Delayed in transmission.)

GENEVA, 3 March (UN Information Service) -- The new United Nations High Commissioner for Human Rights told the Commission on Human Rights this morning that, as soon as possible, he would invite all Governments to open their doors to him so that together they could consider all human rights issues in a frank and unbiased way.

José Ayala Lasso said the same treatment and emphasis should be given to civil, cultural, economic, political and social rights and, in particular, to the right to development, whose significance and range still had to be explored. He said he would seek to strengthen the interdependence between democracy, development and human rights.

Also this morning, the Commission continued its consideration of human rights violations anywhere in the world. The representative of Pakistan said the first step towards restoring tranquility and peace in Kashmir would be to send a United Nations fact-finding mission to both sides of Jammu and Kashmir with free access to conduct a thorough investigation. The observer for Iraq, stating that the Gulf War had caused the death of more than 50,000 Iraqi children and the appearance of many unknown diseases, stressed that the crime committed against the Iraqi people should be considered as genocide, punished by international law and strongly condemned by the Commission.

The representative of Austria and the observers for Argentina and Greece also spoke.

Statements were also made by representatives of the International Federation Terre des Hommes and the International League for the Rights and Liberation of Peoples.

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For information media--not an official record

Speaking in exercise of the right of reply were the representatives of Peru, Ethiopia, Cuba, Turkey, Sudan and Equatorial Guinea.

Statement by Human Rights High Commissioner

JOSE AYALA LASSO, United Nations High Commissioner for Human Rights, said that it was largely due to the Commission's work that promotion and protection of human rights was increasing in relevance and universality. In establishing the post of High Commissioner, the Member States of the United Nations, had endowed it with unprecedented moral and political authority to express the voice of the moral conscience of mankind. That authority would have to be constantly strengthened. The High Commissioner's mandate was, on one hand, extremely broad, but it also had clear limits. He said he would be impartial and objective and would not be motivated by undesirable selectivity or inappropriate political considerations.

The duty of States, regardless of their political, economic and cultural systems, was to promote and protect all human rights and fundamental freedoms, although national and regional particularities and historical, cultural and religious background should be adequately borne in mind, Mr. Ayala Lasso said. The same treatment and emphasis should be given to civil, cultural, economic, political and social rights and, in particular, to the right to development, whose significance and range still had to be explored. He said he would seek to strengthen the interdependence between democracy, development and human rights.

The growing awareness of the need to base international security on that trilogy was reflected in greater participation by international institutions in programmes to promote fundamental rights, he continued. Those programmes would be coordinated by the United Nations system, with a view to ensuring a common objective, increasing benefits and avoiding unnecessary duplication. He said he would maintain the closest and most coordinated dialogue with all Governments and organizations, including agencies and bodies of the United Nations system, other intergovernmental, non-governmental and national human rights organizations, as well as the media.

He said that, as soon as possible, he would invite all Governments to open their doors to him so that all human rights issues could be considered in a frank and unbiased way. He would endeavour to promote the practical exercise of the rights of women and children and step up joint action on behalf of indigenous peoples. Arbitrary detention and torture would be among his immediate concerns, as well as the right to express one's views freely.

The Centre for Human Rights would work in close cooperation with him and would broaden its advisory and technical assistance services, he stressed. Emphasizing the need to strengthen national human rights institutions and human rights bodies, he said the viability of an early warning mechanism would be explored. In that regard, human rights information and education were crucial. He appealed to States and human rights organizations to maintain the

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spirit of cooperation that had prevailed during the negotiations at the World Conference on Human Rights (1993) in Vienna and the follow-up to the Conference during the current session of the General Assembly in New York.

Other Statements

PETER HOHENFELLNER (Austria) said that the promotion and protection of human rights was not an internal affair of state. International concern about violations of human rights in a given country was compatible with the Charter. Austria's human rights record was regularly scrutinized by other States, by international and regional bodies, and by non-governmental organizations. The protection of human rights, in every field and in every country, was a legitimate concern of all.

Turning to the situation of human rights in Iraq, he said gross violations continued to give rise to grave concern. The repression against the Kurds in the north and the Shia population in the southern marshes continued. The Government deliberately targeted civilians in the effort to secure control over the area. The number of disappearances was still extremely high, judging by the shocking figure of some 200,000 Kurds, Arabs and others who had disappeared during the past 12 years.

Serious human rights violations continued in Iran, he went on, notably long-term political imprisonment after summary trials, the widespread use of torture and the death penalty. The right to freedom of belief was systematically violated. He deplored that the Iranian Government continued to deny access to the country by the Special Representative of the Commission on the situation of human rights in Iran. Regarding Myanmar, Austria was concerned over disappearance, practice of torture, poor prison conditions and arbitrary detention of journalists. In addition, the detention of the Nobel Peace Prize laureate, Aung San Suu Kyi, was also cause for concern. He also addressed, among others, the situation of human rights in China, Cuba, Syria and Algeria.

IQBAL AKHUND (Pakistan) said his Government was unconditionally dedicated to the protection of the human rights of its people and, in particular, of the more vulnerable among them, such as women and children. Human rights problems could not be solved simply by legal action. Armed conflict remained the most shocking and extensive violation of human rights. Ethnic and nationalistic feelings, religious intolerance and racist prejudice were some of the factors motivating violence. In Bosnia and Herzegovina, crimes should not go unpunished, and aggression and "ethnic cleansing" must not be rewarded. Inside Indian-occupied Kashmir, human rights violations included rape, summary executions, torture and death. The first step towards restoring tranquility and peace in Kashmir would be to send a United Nations fact-finding mission to both sides of Jammu and Kashmir with free access to conduct a thorough investigation.

JUAN CARLOS SANCHEZ ARNAU (Argentina), stressing the close links of friendship between Cyprus and Argentina, supported efforts to find a just and lasting solution to the Cyprus question. Despite the numerous United Nations

resolutions calling for the return of refugees to their homes and the restoration of human rights in Cyprus, the results of efforts by the international community so far had not been encouraging.

MOHAMMAD ALDOURI (Iraq) said that in today's world, which was characterized by the unipolar hegemony of one State over the international arena, the question of human rights had become a matter of private interests and a subject of bargaining manipulated by a well-known international monopoly. The question of human rights, instead of becoming central issue for peace, was being used as a means of threat, blackmail and discrimination against States.

Iraq was still being subjected to unfair campaigns based on false allegations aimed at shattering its national unity, he said. Regrettably, the Special Rapporteur on the situation of human rights in Iraq had deliberately propagated those allegations. The past three years had proven that he was neither neutral nor objective. At the time when a pile of accusations were heaped on Iraq, no attention was being paid to the violations of the Iraqi people's rights committed by the coalition States -- the United States and the other Western States. The war had caused the death of more than 50,000 Iraqi children and the appearance of many unknown diseases. The crime committed against the Iraqi people should be considered as genocide, punished by international law and strongly condemned by the Commission. He called upon the Commission to take cautiously the credibility of the information contained in the Special Rapporteur's report.

GEORGE P. HELMIS (Greece) said that, in occupied Cyprus, fundamental human rights and freedoms, such as the right to freedom of movement and to settle freely, as well as the right to acquire property wherever one would like to do so, were still denied to both Greek and Turkish Cypriots. Furthermore, 200,000 Greek Cypriots, who had been forced to flee the northern part of the island as a result of the Turkish invasions, had become refugees in their own country, deprived of homes and property. A dramatic violation of human rights was the systematic looting of the cultural heritage of occupied Cyprus. Invaluable treasures were being smuggled out of the country or destroyed. In addition, there were still 1,619 Greek Cypriots and Greek missing persons. Greece hoped that the recent reactivation of the Committee on Missing Persons would bring positive results, and that its mission would not be blocked by the Turkish Cypriots.

PHILIPPE DICQUEMACE, of the International Federation Terre des Hommes, said that anti-personnel mines had caused mass and grave violations of human rights with devastating effects in many parts of the world. There were more than 100 million anti-personnel mines scattered all over the world, and a further estimated 100 million were stocked ready to be used. Out of 35 countries where those mines were a permanent threat to the population, 20 of them were to be considered seriously affected. Each month, at least 800 persons became victims of such mines. Since 1975, anti-personnel mines had killed or wounded 1 million people. He called on the international community to cooperate in the sweeping of those mines wherever they might be.

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VERENA GRAF, of the International League for the Rights and Liberation of Peoples, said that the people of Acheh were suffering under Indonesian repression and were subjected to torture, to arbitrary killings by Government forces and to extrajudicial executions on a massive scale. Those violations came perilously close to genocide. Referring to Haiti, she said that over 100 murders and 40 disappearances had been recorded between July and September 1993. The United Nations had abdicated its involvement in favour of the United States, and there was no interest in removing the putschistes from power. In Colombia, cases of murder and disappearances were all too frequent. That country was living de facto in a permanent state of emergency, and habeas corpus had been set aside. The progress made by the new Constitution had been cancelled out. The security forces should be cleaned up and the legislative process strengthened. The international community had to play a more active role, and the Commission should appoint a special rapporteur to examine the situation of human rights in Colombia.

Rights of Reply

DAVID MALAGA (Peru) said that some statements had been made which did not correspond to the situation in Peru and had to be refuted. Wrong figures and statistics had been given. In 1993, the Working Group on Enforced Disappearances had registered 10 cases, of which three had been clarified. The Group's report stated that, thanks to the information provided by the Peruvian Government, it had been able to clarify a further 97 cases. Non-governmental organizations had recognized a reduction of human rights violations as evidence of improvements in the national situation through the Government's efforts. A number of laws had been passed to deal with terrorism and, with the gradual return of public order, changes were being considered in the anti-terrorist law.

YOUSUF IBRAHIM OMAR (Ethiopia), referring to the statement made by the representative of the Anti-Slavery International, denied the allegations of human rights violations in Ethiopia. He said that the speaker was using the Commission to achieve his own political agenda. The Ethiopian transitional Government had restructured the judiciary in order to ensure the administration of justice. The speaker, who had taken the floor as a defender of human rights, had political motives.

JORGE IVAN MORA GODOY (Cuba) said that he would not reply to the statement made by Greece, on the behalf of the European Union, because of its usual distribution of criticism of States around the globe. Greece's criticism resembled that of a journey by Marco Polo. Referring to statements by some non-governmental organizations which had alluded to conditions of prisoners in Cuba, he said that his Government was doing all it could to respect the rights of prisoners. Their accusations were without any foundation.

BILGE CANKOREL (Turkey) said that the European Union's assertions concerning Turkey were erroneous. Martial law was not being enforced, although in some provinces there was a state of emergency, as a result of the violent actions of the Workers Party of Kurdistan (PKK). Turkey condemned torture and objected to allegations of its practice of systematic torture. Freedom of

expression was guaranteed in Turkey, even for terrorist organizations, although laws were enforced when their publications led to violence. The Turkish Government was pleased by the actions of some European Union members which had outlawed the activities of the PKK.

ALI AHMED SAHLOUL (Sudan), referring to the statement by the Arab Lawyers Union, said that the Union was meddling in the internal affairs of his country. He rejected the allegations of human rights violations by the authorities of the Sudan. The Secretary-General of the Union, who had delivered the statement, was pursuing his political ambitions disguised as a human rights defender. Allegations were being levelled against the Sudan by circles hostile to its people and Government.

FRANCISCO J. NGOMO MBENGONO (Equatorial Guinea) said the leader of the Convergence Party for Democracy in Equatorial Guinea had lied. At the end of its statement, when he called for the use of force against the people of Equatorial Guinea, its true motives were shown. It was improper for a non-governmental organization to call for violence. His delegation was ready to cooperate only with non-governmental organizations which worked through peaceful means. The establishing of a multi-party system in Equatorial Guinea had led to progress in human rights protection.

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# SALE OF CHILDREN, CHILD PROSTITUTION, INCREASED IN 1993

## SPECIAL RAPPORTEUR TELLS HUMAN RIGHTS COMMISSION

### Says North America, Western Europe 'Intractable' Centres of Demand; Commission Continues Debate on Human Rights Violations Anywhere in World

GENEVA, 3 March (UN Information Service) -- International traffic in the sale of children, child prostitution and child pornography increased during 1993, with eastern Europe emerging as a new market for the sexual exploitation of children and North America and western Europe remaining "intractable" centres of demand, a Special Rapporteur told the Commission on Human Rights this afternoon.

Vitit Muntarbhorn, in his fourth annual presentation as Special Rapporteur on the Sale of Children, said that poverty was a root cause of child exploitation, but that related to the "supply" side only. Poverty did not explain the global demand, he added, which was based in many cases in the world's wealthier countries, where customers circumvented national laws to exploit children from poor nations.

Developing countries under pressure from international financial agencies to pay off debts at times failed to bear in mind the needs of children and their families, he said. Even in the poorest countries there often was a tendency to spend too much on arms purchases and too little on the development and protection of children. Hence, the argument that child sexual exploitation was "due to poverty" was not totally convincing.

In a meeting that continued until midnight, the Commission continued debate on one of its major agenda items, the question of human rights violations anywhere in the world. A long list of non-governmental organizations, member States' representatives and national observers took the floor, alleging human rights abuses, among them the mistreatment of psychiatric patients in Mexico, violations committed by the Indonesian armed forces in East Timor and brutality by Indian security troops in Kashmir.

Addressing the Commission were the representatives of Bulgaria, Kenya, Ecuador, Iran, Lesotho, Australia, Indonesia, Libya and Colombia.

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For information media--not an official record

Observers from the following countries also spoke: Sweden, Slovak Republic, Egypt, Ghana and Norway.

Also, the following non-governmental organizations made statements: the International Association of Educators for World Peace, Indian Council of South America, Article 19, World Christian Life Community, Service, Peace, and Justic in Latin America, Union of Arab Jurists, International Association for the Defense of Religious Liberty, International Commission of Jurists, International PEN, World Society of Victimology, World Muslim Congress, International Council of Voluntary Agencies, Pax Christi International, International Educational Development, World Alliance of Reformed Churches, Society for Threatened Peoples, International Confederation of Free Trade Unions, International Work Group on Indigenous Affairs, International Movement against Racism and for Friendship among Peoples, and World Confederation of Labour.

Cyprus, Turkey, Myanmar, Iraq, Bangladesh, Cuba, Democratic People's Republic of Korea and India spoke in exercise of their right of reply.

Background Documentation

Before the Commission was a report on the sale of children, child prostitution and child pornography. It recommended, among other things, that more field visits be made to developed and developing countries to ensure access to information, and that economic structural adjustment programmes be reviewed and assessed by international financial institutions to cushion families and children against economic and social deprivation. It also recommended that: States and national and international organizations promote effective anti-poverty measures to address the root cause of much child exploitation; anti-crime measures related to child exploitation be broadened; the business sector promote a world-wide strategy for child protection through adoption of a "Business Code of Conduct for Child Protection"; and countries expand extradition arrangements and other mutual assistance agreements to make it easier to bring alleged criminals to trial in cases of child exploitation.

Statement by Special Rapporteur on Sale of Children

VITIT MUNTARBHORN, Special Rapporteur on the sale of children, said that during the past year, the increasing internationalization of the sale of children, child prostitution and child pornography had been most disconcerting. While poverty was a root cause of child exploitation, it related to the supply-side and did not explain sufficiently the global demand with, in many instances, customers from rich countries circumventing their national laws to exploit children in other countries. Many countries faced with the problem of the sale of children were under pressure from international financial agencies to adjust their economic programmes. At times, the adjustment process failed to bear in mind sufficiently the needs of children and their families. Even in the poorest countries there was often a tendency to spend too much on arms purchases and too little on the development

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and protection of children on their territory. The argument of many nations that child sexual exploitation on their territory was "due to poverty" was not totally convincing.

Although laws existed to prevent abuses in regard to adoption and other transfers of children in many countries, there were serious loopholes in their monitoring and implementation, he noted. In 1993, the issue of child labour exploitation appeared in all parts of the globe. South Asia was a particular case in point, with the non-governmental sector spearheading a broad campaign against bonded labour and children working in hazardous industries. The issue of child marriages was raised several times, particularly as regards customers buying young brides in South Asia. There were disturbing incidents of killings of street children during the year, and children were at times employed to sell drugs. There was mounting evidence of a market for children's organs.

As for child prostitution, the situation at the national level remained highly disturbing. Eastern Europe had emerged as a new market in the sexual exploitation of children. Paedophiles from western Europe were also known to be operating in several developing countries, he added. The situation in Asia remained serious, both in regard to the local market and transnational trafficking of children for sexual purposes and due to visits from paedophiles from developed countries. Child pornography was often interrelated with child prostitution and was evidently transnational in implication. At the national level, the problems remained intractable. There were major child pornography markets in North America and Europe, especially with eastern Europe as a supply factor and western Europe and North America as a demand factor.

Statements

VIRGINIA GONZALEZ, of the International Association of Educators for World Peace, said that in State-run psychiatric hospitals in Mexico, people were not treated as human beings -- they were cold, ill, and suffered pain, neglect and isolation. The hospitals were more like Nazi concentration camps. That was nothing less than torture and cruel and inhuman treatment and punishment. Patients were crowded two or three to a bed, forced to eat with their hands, and were denied the opportunity to bathe. They had no legal rights or protections, and no say in how they were treated. They could be raped or beaten with impunity. An international committee should be set up to defend the rights of psychiatric in-patients in Mexico. The United States should consider the damage it would cause by giving an award to a Mexican doctor who opposed more humane treatment of such patients.

LOURDES CASTRO, of the Indian Council of South America, expressed concern about the issue of impunity. In Peru, impunity was linked to Government policy, while in Bolivia, the situation was related to the war against drugs. The patrol forces often carried out arrests without authority, and summary executions occurred against people who spoke against the patrols. In Colombia, the 1991 Constitution was one of the most thorough in human rights protection, but allowed the Government and police to act with impunity. The continuing impunity was a matter for the political will of the Government and

in particular the President. There were numerous cases of extradjudicial executions carried out against indigenous people. Colombia had received advisory services and many recommendations, but the Government still did not take them into consideration. The Council called for a Special Rapporteur to be appointed.

JAN BAER, of Article 19: International Centre against Censorship, welcomed the reduction in the incidents and degree of violence in Sri Lanka in the last two years, but was concerned about constitutional provisions, laws and practices which infringed severely on the fundamental right to freedom of expression. In addition, the Government had failed to investigate and bring prosecutions in respect of massive violations. The reintroduction of the Emergency Regulations on sedition, coupled with other policies and informal practices, indicated that the improvements in human rights frequently cited by the Sri Lankan Government in this forum were tenuous. They were not institutionally based and thus did not provide real protection for freedom of expression and the media.

He said the Government had followed through on its commitment to consider favourably accession to the Convention against Torture, but Article 19 was concerned that certain laws and practices relating to the treatment of detainees and prisoners remained at variance with the obligations defined in that Convention. The Commission should appoint a Special Rapporteur for one year to investigate, provide concrete recommendations, and work with the Government of Sri Lanka.

JAEL QUIROGA, of the World Christian Life Community, said the negation of human rights was often tolerated or even hidden by the media, allowing impunity to continue. People were not aware of their lack of social and political rights. Multinationals thus continued to act with great power. The Community was very much concerned about the situation in Colombia, where there seemed to be no political will to overcome the violations which included disappearances and murder. Since Colombian independence, the Government had operated almost continually under emergency measures. Social protests such as strikes and demonstrations had become illegal activities. In addition, there were no opportunities for people, particularly trade unionists, to have a proper defence in the courts and impunity was the norm.

RICARDO CHANGALA, of Service, Peace, and Justice in Latin America, said the organization was concerned over the very serious and worsening situation in Guatemala, with armed forces, police and death squads responsible for most violations. El Salvador continued to be plagued with arbitrary executions, which were committed with impunity. In Peru, constant violations, arbitrary behaviour, and impunity were so widespread that an independent expert should be appointed to investigate. Political violence occurred almost daily in Colombia, again with frequent involvement of security forces, who enjoyed impunity. Indonesia had not cooperated with international authorities in the case of East Timor, and human rights violations there, in fact, had increased. In Morocco, forced disappearances were still a major problem. Energetic intervention by the international community was needed in Sri Lanka, Bhutan and South Korea.

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ELIAS KHOURI, of the Union of Arab Jurists, said the embargo against Iraq was a violation of human rights and should be condemned. The Iraqi people suffered daily. The average citizen could only buy 1 kilo of flour and meat with a month's salary, although people received subsidies from the Government. Health services had deteriorated, affecting in particular the elderly and children. The mortality rates had increased 13-fold. Thus, the right to life, to have adequate food and shelter and to live in dignity were being violated. Iraq was also prevented from utilizing its natural resources. That was a plot to bring about the genocide of the Iraqi people. The Union hoped that the Commission would not sanction the crime of genocide, which was being committed in the name of the United Nations.

MIGUEL A. LOREDO, of the International Association for the Defense of Religious Liberty, said the group hoped for improvements in Cuba, where human rights were being assaulted both internally and externally. A high number were imprisoned for reasons that should not even be considered criminal, including because of political and religious beliefs, and exercising the right of freedom of expression and free assembly. New information pointed to such violations as harassment during religious ceremonies, physical and psychological mistreatment of prisoners, and reprisals against lawyers who represented dissidents. Cuba should cooperate with the Special Rapporteur. Many in Cuba were losing hope and were fleeing the country at great risk to their lives. Cuba must not be left in isolation.

ADAMA DIENG, of the International Commission of Jurists, was concerned about human rights in Iraq, Equatorial Guinea, Mexico, the occupied Arab territories, Bangladesh, Bougainville and Haiti. In Iraq, structural defects in the legal system led to abuses of human rights. In Equatorial Guinea, the human rights situation had deteriorated over the last 12 months. The President had dictatorial power, there was no impartial judiciary and there was no system of checks and balances. He was shocked by the massacre of Palestinian worshippers in the occupied territories. The Equatorial Guinea Government restriction of access to the country prevented proper investigation. In Haiti, human rights were violated by the security forces. The speaker thanked India and Pakistan for allowing a mission to visit Jammu and Kashmir.

F. ASSAAD, of International PEN, said that PEN did not condemn anti-terrorist legislation, but was concerned that in numerous cases such legislation could often include clauses which led to violations of the rights of those not advocating violence. For example, the Law to Fight Terrorism in Turkey was being used to imprison writers and journalists solely for exercising their right to freedom of expression and often for writing about the Kurdish situation. Furthermore, that Law equated those who used the pen with those who used the bullet. Turkey had one of the highest death rates for writers and journalists in the world.

In India, he continued, the Terrorist and Disruptive Activities Act also contained clauses which penalized the right to freedom of expression. Furthermore, in Peru, International PEN was concerned at the number of writers and journalists who were held under anti-terrorist decrees. Although the

Government had now granted habeas corpus for those held under anti-terrorist decrees, it had not been backdated. There were also unfair trials. The PEN called for a further review of those laws with the aim of removing clauses which allowed for future such detentions.

SYED NAZIR GILANI, of the World Society of Victimology, said the United Nations had procrastinated in its will and the Kashmiri people faced extrajudicial and summary executions, torture and other cruel and degrading treatment. There were violations in the treatment of prisoners and no protection from detention or imprisonment. Furthermore, there was no regard for basic principles on the use of force of firearms by law enforcement officials or for the protection of women and children. India frustrated every opportunity to investigate the breach of those violations. He urged the United Nations and the Commission to help maintain the multicultural and multi-religious character of Kashmir and to ensure that Kashmiris were free to exercise their freedom of choice.

ALTI YA INAYATULLAH, of the World Muslim Congress, said Indian-occupied Kashmir had been devastated and its people made the unabated target of savage State terrorism. The situation called for economic sanctions and arms embargo on India until the brutal genocide and gross human rights violations of Kashmiris were stopped. Indian leaders had the temerity to say that United Nations resolutions were "irrelevant". Even so, the garb of making Kashmir a territorial dispute and the use of facile cliches like terrorism and fundamentalist could not cover India's guilt. Kashmir was victim to every form of human abuse, such as extrajudicial deaths, gang rape, reprisal killings, disappearances, custodial deaths and torture. The Congress urged the Commission to support the resolution calling for a fact-finding mission to Jammu and Kashmir.

MARIAN SHERMARKE, of the International Council of Voluntary Agencies, said that in the Asia/Pacific region, it was important to strengthen local and national measures supporting human rights. National action plans, as carried out by Australia, were a good idea, and countries should be encouraged to have them. The importance and needs of Asian non-governmental organizations should be recognized, and countries in the region should support and encourage them. The Commission should press more urgently for resolution of the many violent conflicts in the region, including those in Sri Lanka, East Timor, Burma and other countries. The Commission should give top priority to achieving true settlement in each case. In practice, its actions often fell short of that.

JACQUES VITTORI, of Pax Christi, said that countries which did not allow special representatives to investigate had something to hide. The media should allow war resisters to speak to their own people. In Haiti, pressure was brought to bear on democracy, making room for a dictatorship. The embargo on Haiti was not effective because it let weapons through. The Security Council made no concessions with Iraq. The Tamil Tigers had also committed human rights violations in Sri Lanka. Pax Christi called for all countries to stop supplying weapons to all the countries mentioned. Pax Christi was also alarmed by the situation in the Sudan and in Peru, where the Government was using the Shining Path guerrilla movement as an excuse for repression.

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KAREN PARKER, of International Educational Development, presented several situations where the failure of the democratic process had been a major factor in violation of human rights. Violations in occupied Western Sahara continued unabated, in large part because the people of Western Sahara had yet to vote in the referendum promised them. The situation of Sri Lanka was also in part one of a crisis in the democratic process, in which the Sinhala-dominated Government sought to impose unacceptable conditions under which the Tamil people lived and determined their political future. In 1990, the people of Burma had voted, but their choices were not allowed to take their rightful places in Government, but were killed, tortured and imprisoned or forced to flee.

The Kashmiri people had been promised the right to determine their political status by the Security Council and its Commission for India and Pakistan beginning over 40 years ago, but those resolutions had yet to be implemented, she continued. In 1949, the People's Liberation Army of China militarily overran Tibet and since that time, the Tibetan people had been denied their right to democracy and self-determination. On another issue, violations of human rights in Japan's criminal justice system were so pervasive that they should be addressed under this agenda item.

CARMELO MOCONG ONGUENE, of the World Alliance of Reformed Churches, said the people of Equatorial Guinea were suffering under grave human rights violations committed by those who ruled it. Human rights were a question of political will and if the political leadership wanted to change the situation, it would change rapidly. Responsiblity for the violations of fundamental freedoms lay with the entire State apparatus. The human rights situation had deteriorated seriously, and the people had no protection against beatings, house arrest, arbitrary detention, torture and being held incommunicado. There was no freedom of expression, opinion or the press. There was a law governing religion and religious activities were strictly monitored. Women were a particularly vulnerable group. Moreover, people who were arrested were subjected to inhuman and degrading treatment. There was a huge gap between the letter of the law and the way in which the laws were implemented.

NGAWANG CHOEPHEL, of the Society for Threatened Peoples, said the peaceful Buddhist nation of Tibet had become a Chinese colony and the world watched without condemnation. Despite the assurances given by the representatives of China, the situation in Tibet was far from normal and stable. The Chinese authorities systematicaly and grossly violated the human rights and fundamental freedoms of the Tibetans, including genocide. Several thousand Tibetan political prisoners were detained without any legal justification and international protection.

He said that human rights violations involved among other things arbitrary arrests, violent crackdown on peaceful demonstrators, incommunicado detentions, unfair trials and long terms of imprisonment as well as torture, ill-treatment and forced labour in prisons. The most outstanding issue of immediate concern to the Tibetan people as a race and as a unique civilization continued to be policies encouraging Chinese populations to settle in Tibet in massive numbers. The Society urged the Commission to adopt a resolution that

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condemned individual and collective human rights violations in Tibet and called for the cessation of policies that threatened the Tibetan people's distinct identity.

VLADIMIR SOTIROV (Bulgaria) said that significant achievements had been gained in countries whose Governments had been constructively cooperating with the Commission. There were still countries in which the magnitude of violations endangered regional and even international peace and security, as in the former Yugoslavia. Bulgaria was seriously concerned over the continuous conflict there because of the threat of its extension to other regions. A lasting solution could be achieved only through respect for the principles of international law, in particular the inviolability of internationally recognized frontiers and human rights and fundamental freedoms. Mr. Mazowiecki's mandate as Special Rapporteur on the former Yugoslavia for another year was a necessity. Bulgaria supported his proposal to deploy United Nations officials in part of the territory of the former Yugoslavia to collect objective information on human rights abuses. In addition, Bulgaria was concerned that the human rights situation in Cyprus remained unresolved and that continuing gross violations of human rights in the Caucasian region still occurred.

NANCY C. KIRIU (Kenya) said that the Greek and Turkish Cypriots should be encouraged to talk to one another with a view to arriving at an acceptable solution and that the framework for such talks already existed. For the situation in Cyprus to return to normal the human rights and fundamental freedoms of all Cypriots should be respected and guaranteed and refugees and displaced persons allowed to return to their homes under conditions of safety. A just and lasting solution would be based on the respect for the sovereignty, independence, territorial integrity and non-alignment of Cyprus and on the restoration of human rights for all Cypriots.

The representative of Ecuador said that respect for human rights went beyond frontiers; violations in any part of the world should be a matter of international concern and action; and that human rights took precedence over national legislation. International application of human rights standards should be even-handed. Barriers to free trade hampered human rights and led to poverty and misery for thousands, especially if they limited exports from developing countries to developed countries. Aid to the least-developed countries was a moral obligation of those who had the means to help. Democracy, development and respect for fundamental freedoms were all equally important.

SIROUS NASSERI (Iran) said that words were inadequate to describe the tragedy of the massacre of Palestinian Muslims in Hebron last week and that neither the Israeli officialdom nor the Americans could justify it. That premeditated act showed the very nature of the Palestinian predicament and unmasked the essence of occupation of Palestine. The civilized West had sacrificed the principle of self-determination of the Palestinians, victimizing a whole nation to expurgate themselves of their past crimes against the European Jews. There was chilling similarity to the cases of continuing tragedy and mass suffering in Palestine and Bosnia and

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Herzegovina. Both in Palestine and Bosnia, victims happened to be Muslims, the perpetrators and their supporters, Europeans and Westerners. Both were willing parties to the systematic violation of all human rights and fundamental freedoms of two Muslim nations. Until the West addressed in earnest those two glaring cases of mass violations and acted in good faith to allow self-determination for one and self-defence for the other, the West's grand-standing and claim to respect and promote human rights of individuals remained all but defamed.

ULLA STROM (Sweden) strongly underlined that the Government of Israel should take full responsibility for the protection of the inhabitants of the occupied territories following the horrible event in Hebron. Political killings, torture and disappearances continued on a large scale in Iraq, explicity directed by the highest authorities. The human rights situation in Iraq remained among the most serious and the continued refusal by the Government to cooperate with the Special Rapporteur was deeply disturbing. She then highlighted human rights situations in: Burma, where atrocities continued to be committed; in Zaire, where widespread abuses of human rights were committed with complete impunity; and in Haiti, where arbitrary killings, torture and harassment remained the order of the day. She also gave an account of human rights violations in Cambodia, El Salvador, Guatemala, Kashmir and Turkey. In Iran, the suppression of the freedom of thought, conscience and religion took particularly grave forms. Since the discontinuation of the democratic process in Algeria, high numbers of dissidents had been killed in Government security operations.

She expressed strong concern at the situation of human rights in China, and noted that the freedoms of conscience, expression and assembly remained seriously infringed. Other concerns related to the rights situations in the Democratic People's Republic of Korea, Indonesia and East Timor, Equatorial Guinea, Cuba, Azerbaijan, Tajikistan, Uzbekistan and Turkmenistan. The horrendous policy of "ethnic cleansing" initiated by the Bosnian Serb authorities had been the very object of the conflict in the former Yugoslavia.

PETER PROCHACKA (Slovak Republic) said that the Slovak Republic had accepted the Charter on Human Rights and Freedoms, and it had been completely incorporated into the Constitution in September 1992. Hence, the Republic had taken a decisive step towards rehabilitation after decades of frequent violation of the rights and freedoms of its citizens and so had entered the community of civilized democratic States. The Constitutional Court had logically followed, as well the process of succession to all multilateral agreements regulating the question of human rights.

One proof of the readiness of the Republic to contribute to a deep understanding and protection of human rights and basic freedoms was the establishment of the Slovak National Centre on Human Rights as an educational, informative and documentary centre, he said. It was very important that at the Government level and Presidential level, a systematic dialogue with representatives of minorities was carried on by means of a so-called round table of minorities. Special attention would be devoted to the Romany

question, because this ethnic group was frequently a victim of racial and socially motivated prejudices.

DAN CUNNIAH, of the International Confederation of Free Trade Unions, expressed concern with the increasing number of cases of serious violations of trade union rights throughout the world. Last year a Committee of the International Labour Organisation had before it 113 cases of violations of trade union rights. Today, Latin America remained the most dangerous continent to be a trade unionist and Colombia was among the countries in that region whose record of violation of trade union rights was most appalling, with hundreds of trade unionists being murdered each year.

Other countries in that region where human rights abuses had continued were Haiti, El Salvador and Guatemala, he continued. In Asia, the country with the worst record of human rights abuses was Burma, where since the military coup of September 1988, the State had banned the workers' and peasants' organizations. Indonesia was another country in that region where abuses of trade union rights continued to be widespread. He drew the attention of the Commission to the extent of repression of the independent labour movement in China.

RUBY MIRANKA, of the International Work Group on Indigenous Affairs, said that she had been a witness to the tragic effect of the blockade on Bougainville for the last five years. It was genocidal and must be condemned by the Commission. In particular, mothers and children had gravely suffered and had died tragically behind closed doors. The women of Bougainville appealed to the Commission to find a workable strategy to promote an involvement of all Bougainvillean leaders with Papua New Guinea, to open a dialogue, to end the sufferings as soon as possible and to further determine the political future of Bougainville. In addition, "Bushmen", or "San", had once inhabited the whole of southern Africa. Their future was very unclear. They could work peacefully with all races and peoples, but the Xu and the Khwe had a strong desire to own their own land and to determine their own laws, customs and lives. They were desperate for money to assist in buying their own land, building schools and developing the community.

AYDA AVELLA ESQUIVEL, of the International Movement against Racism and for Friendship among Peoples, said that new phenomena of human rights violations were emerging in Colombia, leaving thousands of victims including judges, deputies, lawyers and other innocent citizens. People in the rural areas belonging to indigenous and peasant associations continued to be killed and assassinated by the security forces and other armed groups. Secret witnesses were used against labour union leaders before the military courts. Another speaker from the Movement said that the security elements of the Indonesian Government had continued killing local people in East Timor.

SEIN WIN, of the International Peace Bureau, said that in Burma the State Law and Order Restoration Council (Slorc) had reinforced its intelligence apparatus and continued to control the daily life of its citizens by means of surveillance, intimidation, harassment, arrest, detention and torture. Violations of human rights in Burma fell into two main categories. The first

dealt with the restriction imposed upon its citizens regarding fundamental freedoms and human rights, and the second was the wanton destruction of ethnic populations.

He said Slorc had been building up its army and making preparation for the total occupation of ethnic areas. Another cause of the ethnic exodus was the massive conscription of forced labour to carry out so called development projects. Each day, nearly 500 children under five died, many from preventable diseases. The disastrous socio-economic situation was the root cause of the large-scale trafficking of Burmese women into forced prostitution in Thailand. The Commission should renew the mandate of the Special Rapporteur for a further year and widen it by asking the appropriate thematic human rights rapporteurs and other appropriate figures associated with the United Nations special procedures system to accompany the Special Rapporteur on his next visit to Burma.

MARTA ARIVILLAGA, of the Commission for the Defense of Human Rights in Central America, said her husband, Jorge Carpio, publisher of one of the principal newspapers in Guatemala, had been assassinated by a group of heavily armed men wearing masks while he was riding in a bus. Others were killed and a 15-year-old boy seriously injured. She had witnessed the assassination and saw them fall, one-by-one. It was an extrajudicial execution, and later a church official had said the shootings were carried out by forces connected to the Army. Everyone in Guatemala lived in fear. Her husband, for 30 years, had promoted peace, education and culture. Seven months after the assassination, the Government had shown no willingness to investigate or bring charges. If there was no justice for Jorge Carpio, there was no justice for the average citizen in the street. The world must help. Justice must be done. That must not be allowed to happen to others in Guatemala.

REBEKA MARTENSEN, of the International Movement against All Forms of Discrimination and Racism, recalled that in Bangladesh consistent human rights violations had occurred for over a decade against the Jumma of the Chittagong Hill Tracts. Only last November, 19 Jumma people were killed by Bengali settlers and soldiers for protesting the use of a public shelter as a military checkpost. Given the unstable environment there, the Movement discouraged any repatriation unless the Government of Bangladesh openly published its willingness to turn over the land that was forcibly occupied by Muslim settlers and to ensure the security of the returnees.

The inhabitants of Bougainville had endured the devastating efforts of a total blockade imposed by Papua New Guinea, she continued. The Iraqi army attacks against Shiite opposition members along the Iraq/Iran border, coupled with the draining of the area's marshes to facilitate access by armored personnel carriers, had had drastic effects on the marshes' inhabitants. The people of Tibet had been exposed to severe human rights violations for over 40 years. Patterns of gross violations such as "ethnic cleansing" and apartheid were not only applicable to the former Yugoslavia and South Africa, but also to Bhutan where, since 1988, thousands of Bhutanese citizens had been victimized by State-sponsored violence and forced to flee their country.

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GASTON CICERON, of the World Confederation of Labour, said that in Colombia, many trade unionists had been savagely murdered and trade unionism was considered to be terrorism. In Cuba, serious violations of human rights continued, including those inflicted on people attempting to establish labour unions. In Guatamala, trade unionists were among those kidnapped and arrested arbitrarily. Thousands of trade unionists had been murdered, imprisoned and tortured in Haiti. In Peru, trade union leaders were regularly subjected to abuses and death threats. There were major violations of human rights against strikers, trade unionists or citizens at large in Côte d'Ivoire, Morocco, Gabon, Indonesia and Iran.

NTHATI P. MAKHEKHE (Lesotho) said that violations of human rights prevailing in various parts of the world reflected the backwardness of civil society which had not progressed as envisaged by philosophers centuries ago. Bosnia and Somalia were testimony, and the recent massacre of Palestinians in Hebron condemned by the Commission was yet another example. The deteriorating human rights situation in the occupied Arab territories, including Palestine, was of concern to Lesotho. The agreement between the Palestinian Liberation Organization and the Israeli Government signed in Washington last September was a positive step, but much more had to be done in order to ensure lasting peace in the Middle East region as a whole. South Africa was yet another concern. The continuing escalation of violence in South Africa resulted not only in destruction of property and loss of life, but also threatened a permanent and stable political settlement there. Thus the threat by extreme right-wing groups, including Inkatha, to disrupt the electoral process required the international community's close monitoring.

PENELOPE WENSLEY (Australia) said she was shocked and saddened by the massacre of unarmed Palestinian worshipers by an Israeli settler in a mosque in Hebron. She welcomed the condemnation of that act of insanity by the Israeli Government and its decision to establish a commission of inquiry. She urged all parties in the region to exercise restraint and refrain from retaliatory attacks and revenge killings. The unrepresentative military regime in Burma continued to deny it citizens the full enjoyment of fundamental human rights and freedoms. The relaxation of the conditions of the Nobel Peace Prize laureate Daw Aung San Suu Kyi's detention was a positive step, and she hoped it would be followed quickly by the commencement of dialogue between the Slorc leadership and Burmese opposition figures.

In Iraq, summary executions, torture, disappearances, arbitrary arrest and detention continued. She called on Iraq to cooperate with the Special Rapporteur and to accept the proposal that a team of human rights monitors be stationed inside Iraq with the aim of gathering reliable information about the human rights situation there. The recent outbreak of violence in southern Sudan was appalling. She also condemned the continued abuse of the most basic of human rights in the former Yugoslavia and was disturbed over the human rights situation in North Korea and China. If there was to be a fundamental improvement in the situation in East Timor, cooperation between Indonesia and the Commission was of critical importance.

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MAKMUR WIDODO (Indonesia) said that agenda item 12, in fact, dealt almost exclusively with the question of human rights violations in the area of civil and political rights. Thus rarely were the cases of violations of economic, cultural and social rights brought up and given due attention. The shortcomings and unbalanced approaches governing the debate on that and other items relating to the monitoring of human rights violations were unfortunately also applicable with regard to Indonesia and in particular to the province of East Timor. The Commission had given undue emphasis in recent years, to the human rights situation in East Timor.

The Dili incident of 12 November 1991 had been overdramatized time and time again as an enduring phenomenon, while positive measures to redress the situation and serious efforts to develop the province were conveniently forgotten, he said. The Government had taken decisive action to rectify the situation following the Dili incident. There was an increasing openness and greater access to the territory, while the movement of people to and from East Timor had intensified. He regretted the use of statistics in violation allegations to depict a human rights situation based solely on various reports by thematic rapporteurs.

HUSNYA MARKUS (Libya) said that non-discrimination, neutrality and objectivity were necessary for improving human rights; foreign interference and political motives should not be factors in human rights. On 15 April 1986, Libya had been attacked by bombers from far away, for something for which Libya absolutely was not responsible. Libya also was subjected to an embargo which was not just. Libya was aware of the importance of human rights; it had seen its own victims fall to the abuses of others. Internationally, mutual respect and legality was necessary, and disputes should be resolved through dialogue, not through threats, embargoes, or aggression. There was no difference between a citizen who died in Africa, Asia or the United States, although the cultural differences between them might be large. The recent massacre in Hebron was a terrorist crime for which Israel must be condemned.

CARLOS VICENTE DE ROUX (Colombia) said that his country was the victim of agression perpetrated by drug traffickers and terrorists. The widespread violence was not directly attributed to any political activities, but merely to those found outside the political arena. The acts of war had resulted in the "social cleansing" of the population. The paramilitary operations were also encouraged by the drug traffickers in pursuit of their illegal activities. In recent years, the activities relating to common criminals and guerrilla fighters had decreased. The Government was encouraged to create a special jurisprudence in order to bring an end to the many crimes committed by the traffickers and the terrorists. A law had also been enacted to reform the police force, which would facilitate the monitoring of its activities in line with the promotion and protection of human rights. Colombia had also succeeded in establishing a human rights institution within Parliament which would bring to light all forms of human rights violations.

MOUNIR ZAHRAN (Egpyt) said that the situation in Bosnia and Herzegovina deserved far more attention from the Commission during this session than it

had received. Further international intervention was needed; it was not enough to shoot four Serbian jets out of the sky, although that had been a necessary and justifiable act. Weakness shown by the international community only encouraged the Serbs to bombard cities and kill innocent people. Commission resolutions must unequivocally indicate who the aggressor was, and those responsible must be brought to trial. The acquisition of territory by force by Croats or Serbs must be refused, lest it become a reward for aggression. The carnage in Hebron committed against Palestinians must be condemned and Muslims in the region must receive protection.

K. AMOO-GOTTFRIED (Ghana) said that the world was gradually moving towards a new era which required a review of the traditional concepts of sovereignty and non-interference in internal affairs of other States. The response of the international community to armed conflicts and crises in Liberia, Somalia and Bosnia, and the increasing concern for the observance of human rights and principles of democracy had challenged the very basis of that concept. There was a limit to the capacity of the international community to deploy resources, both human and material, to cope with violations of human rights in the world.

Already peace-keeping fatigue had been noted on the part of some major countries contributing troops to United Nations peace-keeping efforts, he said. The ultimate solution to the massive abuse of human rights in the world was not the appointment of numerous rapporteurs or engagement in unlimited peace-keeping, or even peace-enforcement, as experience had taught. Human rights, as a school subject, should be taught from the elementary to the university level. The international community had the moral and legitimate right to raise human rights concerns everywhere.

HAAKON B. HJELDE (Norway) said that the recent indiscriminate attack against innocent civilians in Sarajevo had served to remind all that the civilian population continued to be the main victim of the war in Bosnia and Herzegovina, and had yet again underscored the urgent need to reach a political solution to the conflict in former Yugoslavia. The Caucasus region continued to be marked by ethnic tension and conflicts. Norway condemned the terrorism perpetrated by the PKK separatist movement in Turkey and abroad, and recognized Turkey's right to fight terrorism, but this right must be exercised in full compliance with basic human rights. In most African countries, human rights and multi-party democracy had been increasingly accepted as the guiding principles for politcal and social development.

At the same time there was tremendous suffering caused by continuing ethnic conflicts and local wars, in Angola, Somalia, Zaire, the Sudan and South Africa, where all parties must refrain from threatening violence, from impeding the course of the elections, and from delaying a solution to the outstanding issues, he said. Norway also was concerned about violations of human rights in Iraq, Iran, North Korea, Burma, and Tibet; where the Norwegian Government appealed to the Government of China to proceed with further efforts to guarantee the observance of human rights, to release all political

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prisoners and to respect the ethnic, cultural and religious identity of the Tibetan people. Norway expressed concern at the human rights situations in Kashmir, Sri Lanka, East Timor, Cuba, El Salvador and Guatemala.

Rights of Reply

LORIA MARKIDES (Cyprus) said Turkey had spoken of Cyprus this morning, and the statement was surprising -- the delegate had said Greek Cypriot refugees should not exercise their right to return to their homes because of their high per capita income. That was illogical and unprecedented. Turkey should allow restoration and protection of the human rights and property of Greek Cypriots enclaved in the Turkish areas. Instead of continuing the expulsion of the last Greek Cypriots, Turkey should show good will in the negotiations now under way.

MURAI ADALI (Turkey), referring to the statement made by the delegation of Greece, said that the Constitutional measures implemented earlier had usurped the rights of Turkish Cypriots. Many of them were also displaced internally. The Greek delegation did not elaborate on the alleged disappearances. The confidence-building measures designed by the United Nations could also be beneficial to alleviate the dificulties caused by the economic embargo.

YIN YIN MYINI (Myanmar) said the individual speaking for the International Peace Bureau was actually a member of an illegal group whose purpose was to overthrow the Myanmar Government. The Commission must not grant audiences to armed organizations that intended to overthrow the legal Governments of States recognized by the United Nations. Myanmar protested this in the strongest terms.

MUNIM ALKADHI (Iraq) said that his country was a target of repression measures from all sides. The embargo imposed on Iraq was in disregard of all human rights laws. The measure had a great repercussion on all developing countries. The lifting of the embargo would have enabled his country to improve the living conditions of the population.

M. AFSARUL QADER (Bangladesh) said that the International Commission of Jurists had spoken of Bangladesh, of a situation in 1993 that had resulted in the loss of 12 lives, between two conflicting groups which unfortunately got beyond the control of authorities. The incident had been investigated and compensation paid to victims' families. There was no missing person, as claimed. The Government had not responded with a lack of sincerity. Political dialogues on the underlying conflict were ongoing. The people and Government would sort out all of their problems as they had long done in the past. Another non-governmental organization had made a similar accusation against the country which was far from the truth. Tribal refugees were returning to their homes, and were continuing to do so.

RODOLFO REYES (Cuba) said his country was one of those which continued to invite the Special Rapporteur. The representatives of some countries who took the floor and made reference to his country were not believers of Catholic or

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African-based faiths. Trade unions in his country were not deprived of their rights, contrary to the allegations made by some speakers.

PAK DOK HUN (Democratic People's Republic of Korea) said that the European Union only recently had shown what it called concern about the situation of human rights in his country, although the situation had been the same for years. Did it have to do with the politics of the recent nuclear controversy? In any case, the allegations were false; the country granted all human rights to its citizens. The Union must confront the immense human rights problems it had in its member States and not interfere with the affairs of a country far away.

T.N. KAUL (India), replying to the Pakistani delegation's allegations of human rights violations against the Kashmiris, said that as a Kashmiri himself, he was proud that Kashmir was part of a secular, multiracial and multilingual Indian State. Concerning the question of self-determination, there had been no free elections in the region of Kashmir occupied by Pakistan. He underlined that the question should be solved by bilateral and diplomatic means and regretted Pakistan's attempt to internationalize the Kashmiri problem.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/549
7 March 1994

# HUMAN RIGHTS COMMISSION ACTS ON 27 RESOLUTIONS

GENEVA, 4 March (UN Information Service) -- The Commission on Human Rights this morning adopted a series of resolutions on the freedom of opinion and expression, detention, torture and degrading treatment, disappearances and protection of minorities, and respect for the human rights of United Nations system personnel, among other questions.

The Commission expressed concern at manifestations of contemporary forms of slavery and, by adopting a resolution on that issue, it invited all Member States to consider the possibility of taking appropriate action for the protection of particularly vulnerable groups, such as children and migrant women, against exploitation by prostitution and other practices. Another resolution urged Governments to establish national committees and other mechanisms involving indigenous people to ensure that the objectives and activities for the International Decade of the World's Indigenous People were planned and implemented on the basis of full partnership with indigenous people.

Another concern of the Commission was expressed at the extensive occurrence of detention, threats and acts of violence and harassment directed at persons who exercise the right to freedom of opinion and expression. In another resolution, it expressed concern at the practice of arbitrary detention that was facilitated and aggravated by the abuse of states of emergency and the exercise of the powers specific to states of emergency without a formal declaration.

Under a resolution on the administration of justice and human rights, the Commission urged Governments to pay more attention to the needs of the institutions concerned with the administration of justice by allocating more human and material resources to contribute more efficiently to the promotion and protection of human rights.

It also adopted resolutions calling upon Governments to refrain from the practice of torture and other cruel, inhuman or degrading treatment or punishment, and appointing a Special Rapporteur on detention or imprisonment, with a three-year term. All the resolutions were adopted by consensus or without a vote.

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For information media--not an official record

Action on Resolutions

Under a resolution on the work of the Subcommission on Discrimination and Protection of Minorities, the Commission requested the Subcommission to pay attention to the guidelines concerning the number of studies and to establish priorities relating to its work so as to avoid requesting the Commission's approval of more studies and similar activities than provided for in the guidelines; and further requested the Subcommission to restrict its requests to the Secretary-General to ask Governments, intergovernmental organizations, the specialized agencies and other such bodies for their views and comments on requests relating to those studies that had received prior explicit approval from the Commission.

With regard to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, the Commission expressed its grave concern at the present financial situation of the Fund due to a lack of contributions and appealed again to all Governments, organizations and individuals to respond favourably to requests for contributions to the Fund.

In a resolution on the report of the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities, the Commission expressed its grave concern at manifestations of contemporary forms of slavery as reported to the working group, and invited the Subcommission to submit to the Commission at its fifty-first session recommendations for establishing an effective mechanism for the implementation of the Conventions on slavery in order to enable the Commission to take a well-considered decision on the matter.

Furthermore, the resolution invited those eligible States that had not ratified or acceded to the relevant Conventions to consider doing so as soon as possible or to explain in writing, if they so wished, why they felt unable to do so, and invited them to consider providing information regarding their national legislation and practices in this field; and invited all Member States to consider the possibility of taking appropriate action for the protection of particularly vulnerable groups, such as children and migrant women, against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve that objective.

Under a resolution on the International Decade of the World's Indigenous Peoples, the Commission invited the Working Group on Indigenous Populations to propose at its next session an appropriate date for one day of every year to be observed as the International Day of Indigenous People, following consultations with indigenous representatives; requested the Assistant Secretary-General for Human Rights, as the Coordinator of the Decade, to coordinate the international programme of activities for the Decade; and encouraged Governments to establish national committees or other mechanisms involving indigenous people to ensure that objectives and activities for the Decade were planned and implemented on the basis of full partnership with indigenous peoples. It appealed to the specialized agencies, regional commissions, financial and development institutions and other relevant

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organizations of the United Nations system to increase their efforts to take into special account the needs of indigenous people and invited indigenous organizations and other interested non-governmental organizations to consider the contributions they could make to the success of the Decade.

Concerning human rights and disability, the Commission called upon the Secretary-General to: maintain the integrity of programmes within the United Nations system relating to disabled persons; urged States to cooperate fully with the Special Rapporteur appointed within the framework of the Commission for Social Development, to monitor the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities; and urged non-governmental organizations active in the protection and promotion of persons with disabilities to provide relevant information to the Committee on Economic, Social and Cultural Rights and the Centre for Human Rights.

In a resolution on a permanent forum in the United Nations for indigenous peoples, the Commission requested the Assistant Secretary-General for Human Rights to invite Governments and indigenous organizations to express their views pertaining to the possibility of establishing a permanent forum for indigenous people; and requested the Working Group on Indigenous Populations, at its twelfth session, to give priority consideration to the possible establishment of a permanent forum for indigenous people and to submit its suggestions for alternatives, through the Subcommission on Prevention of Discrimination and Protection of Minorities, to the Commission at its fifty-first session.

With regard to the report of the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities, the Commission urged the Subcommission to complete its consideration of the draft Declaration on the rights of indigenous people, reflective, among other things, of the value and diversity of cultures and the forms of social organization of indigenous people and submit to the Commission at its fifty-first session the draft Declaration together with any recommendations thereon. It also urged the Working Group to continue its comprehensive review of the situation of indigenous peoples throughout the world and endorsed the proposal, made by the Subcommission at its forty-fifth session, to hold a seminar on indigenous people and experts.

In a resolution on enhancing the work of the Subcommission on Prevention of Discrimination and Protection of Minorities, the Commission decided to request the Subcommission to reconsider, without prejudice to the independence of the Subcommission and its members, its decisions to recommend the new studies and related efforts indentified in draft decisions 1, 2, 4, 8 and 13 contained in the report of the Subcommission. The Commission also decided that it was unnecessary or premature to make any determination on these studies and related efforts and requested the Subcommission to avoid overloading its agenda with materials that were not adequately discussed and to establish priorities in its work.

As to traditional practices affecting the health of women and children, the Commission endorsed the recommendation of the Subcommission that the

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mandate of the Special Rapporteur, Halima Embarek Warzazi, be extended for one year so as to enable her to submit to the Subcommission at its forty-sixth session a plan of action for the elimination of harmful traditional practices affecting the health of women and children, and a report on the regional seminar to take place in Asia.

In a resolution on cultural and intellectual property of indigenous peoples, the Commission endorsed the request to the Special Rapporteur, Erica-Irene A. Daes, to expand her study on the protection of the cultural and intellectual property of indigenous people with a view to elaborating draft principles and guidelines for the protection of the heritage of the indigenous peoples and to submit a preliminary report to the Subcommission at its forty-sixth session. It decided that the title of the study should be "Protection of the heritage of the indigenous people"; and recommended a draft decision on this action to the Economic and Social Council for adoption.

Under a resolution on the study on treaties, agreements and other constructive arrangements between States and indigenous populations, the Commission authorized the Subcommission to reiterate its request to the Special Rapporteur to submit a second progress report on the study to the working group at its twelfth session and to the Subcommission at its forty-sixth session.

Regarding assistance in the field of the administration of justice and human rights, the Commission urged Governments to pay more attention to the needs of the institutions concerned with the administration of justice by allocating more human and material resources to them to enable them to contribute more efficiently to the promotion and protection of human rights; appealed to Governments to include in their national development plans the administration of justice as an integral part of the development process; and invited the international community to respond favourably to requests for financial and technical assistance made by institutions concerned with the promotion and production of human rights in African and other developing countries.

In a resolution on human rights and forensic science, the Commission requested the Secretary-General to consult with Governments, relevant United Nations bodies, professional organizations of forensic experts, and other interested institutions with a view to identifying individual experts who might be asked to join forensic teams or to provide advice or assistance to thematic or country mechanisms, advisory services and technical assistance programmes; submitting biographical data on the experts; and seeking their advice as to the elaboration of principles, guidance, procedures, mechanisms and training. It also requested the Secretary-General to continue efforts to establish a list of forensic experts and experts in related fields who could be requested to help international mechanisms in human rights.

As to the question of arbitrary detention, the Commission called upon Governments concerned to pay due heed to the working group on arbitrary detention's decisions and encouraged Governments to implement the recommendations of the working group concerning persons who had been detained

for a number of years and were mentioned in its report. The Commission also encouraged Governments to consider inviting the working group to their countries and expressed concern at the fact that most cases of arbitrary deprivation of liberty were motivated by exercise of the rights to freedom of opinion and expression. It decided to extend for a three-year period the mandate of the Working Group.

In a resolution on the right to freedom of opinion and expression, the Commission expressed its concern at the extensive occurrence of detention, as well as acts of violence and harassment directed at persons who exercised the right to freedom of opinion and expression. It appealed to all States to ensure respect and support for the rights of all persons who exercised the right to freedom of opinion and expression and invited the working group on enforced or involuntary disappearances, the working group on arbitrary detention and the Special Rapporteurs of the Commission to pay attention to th situation of persons detained or subjected to violence, for having exercised the right to freedom of opinion and expression.

Concerning human rights in the administration of justice, the Commission urged the Secretary-General to consider favourably requests for assistance by States in the administration of justice, within the framework of the United Nations programme of advisory services and technical assistance and strongly recommended that the establishment of a comprehensive programme within the system of advisory services and technical assistance be considered, in order to help States in the task of building adequate national structures which had a direct impact on the overall observance of human rights and the maintenance of the rule of law; and invited the Commission on Crime Prevention and Criminal Justice to pay particular attention to questions relating to the administration of justice.

Under a resolution on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, the Commission expressed the hope that priority attention would be given to the question of restitution, compensation and rehabilitation for victims of gross violations of human rights; and recommended that the Subcommission on Prevention of Discrimination and Protection of Minorities take measures to examine the proposed basic principles and guidelines with a view to making proposals thereon and to report to the Commission.

With regard to the right to a fair trial, the Commission endorsed the request of the Subcommission to the Special Rapporteurs to continue their study and recommended a draft decision on the matter to the Economic and Social Council for adoption.

In a resolution on the United Nations Voluntary Fund for Victims of Torture, the Commission expressed its gratitude and appreciation to those Governments, organizations and individuals that had already contributed to the Fund and appealed to all Governments, organizations and individuals to respond favourably to requests for contributions to the Fund.

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In a resolution on torture and other cruel, inhuman or degrading treatment or punishment, the Commission stressed recommendations for serious action by Governments, including the importance of instituting a system of periodic visits by independent experts to places of detention as a highly effective preventive measure against the occurrence of torture. The Commission also recommended that interrogation of detainees should take place only at official interrogation centres, that each interrogation should be duly recorded and start with the identification of all the persons present and that the blindfolding or holding of detainees during interrogations should be absolutely forbidden. It urged the Secretary-General to make available, as part of the United Nations programme of advisory services in human rights, qualified experts in law enforcement, detention and medicine to assist Governments, at their request, in their efforts to prevent the occurrence of torture.

Concerning the status of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or punishment, the Commission urged States parties that had not yet paid their assessed contributions, and in particular those whose arrears pertained to two or more consecutive financial periods, to fulfil their obligations forthwith and urged all States to become parties to the Convention as a matter of priority. It invited all States ratifying or acceding to the Convention and those States parties that had not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20.

Under a resolution on the question of enforced disappearances, the Commission reminded the working group on the question of the need to observe United Nations standards and practices regarding the handling of communications and the consideration of Government replies. It deplored the fact that, as the working group pointed out in its report, some governments had not acted on the recommendations concerning them made in the reports of the working group. In addition, it requested the working group to pay attention to cases of children subjected to enforced disappearance and children of disappeared persons and took note of the proposal of the working group to establish a special procedure concerning the question of enforced disappearances in the territory of the former Yugoslavia under the joint responsibility of a member of the working group and the Special Rapporteur on human rights in the former Yugoslavia.

Regarding the question of a Draft Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Commission requested the open-ended working group to meet between sessions for a period of two weeks prior to the fifty-first session of the Commission in order to pursue its work and to submit a new report to the Commission.

As to the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, the Commission requested the Chairman of the Commission to appoint, for a period of three years, a Special Rapporteur whose mandate would consist of the following tasks: (a) to inquire into any substantial allegations transmitted to him or her and report his or

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her conclusions thereon; (b) to identify and record not only attacks on the independence of the judiciary, lawyers and court officials, but also progress achieved in protecting and enhancing their independence, and make concrete recommendations including the provision of advisory services or technical assistance when they were requested by the State concerned; (c) to study, for the purpose of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of the judiciary and lawyers.

In a resolution on staff members of the United Nations and of the specialized agencies in detention, the Commission appealed once again to Member States to respect and to ensure respect for the rights of staff members and other personnel acting under the authority of the United Nations and their families and to take the necessary measures to ensure the protection of United Nations and associated personnel in their territory. It also urged Member States, in accordance with the Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex), to provide adequate and prompt information concerning the arrest or detention of United Nations staff members, experts and their families, and to grant the representative of the competent international organization access to them without delay.

Under the question of human rights and states of emergency, the Commission recommended a draft decision to the Economic and Social Council for adoption whereby Leandro Despouy, Special Rapporteur on human rights and states of emergency, would continue to update the list of states of emergency and to include in his annual report to the Subcommission and the Commission recommendations on inalienable or non-derogable rights.

Concerning the question of the impunity of perpetrators of violations of human rights the Commission endorsed the Subcommission's request to El Hadji Guissé and Louis Joinet to submit a report, including conclusions and recommendations, on the first aspect of the question of impunity, with respect to civil and political rights, to the Subcommisison at its forty-sixth session and to continue their study on the second aspect of the question, concerning economic, social and cultural rights.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/550
8 March 1994

**HUMAN RIGHTS COMMISSION DECIDES TO APPOINT SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN**

GENEVA, 4 March (UN Information Service) -- The Commission on Human Rights this afternoon decided to appoint a Special Rapporteur on violence against women. In taking that action, under a resolution on integrating the rights of women into the human rights mechanisms of the United Nations, the Commission also condemned all violations of the human rights of women in situations of armed conflict, and called for a particularly effective response to violations including murder, systematic rape, sexual slavery and forced pregnancy.

A number of other resolutions were adopted this afternoon, including measures relating to the protection of the human rights of women, HIV/AIDS, terrorism, strengthening the rule of law, and strengthening the Centre for Human Rights. The Commission also acted in connection with the human rights situation in Albania and Cambodia, and assistance in the field of human rights to Guatemala, Georgia and Somalia.

Concerning assistance to Georgia in human rights, the Commission strongly condemned the reprehensible abuses committed by troops or armed groups and appealed to those in control of the territory of Abkhazia to ensure law and order, guarantee human rights and allow displaced persons to return. In connection with assistance to Somalia in human rights, the Commission called upon all parties to respect human rights and protect civilians, United Nations personnel and relief workers from harm. As for the situation of human rights in Cambodia, the Commission was concerned about the widespread use and devastating consequences of anti-personnel land-mines.

The delegations of Greece, Cyprus, Pakistan, India and Turkey spoke in exercise of the right of reply.

Action on Resolutions

In a resolution on integrating the rights of women into the human-rights mechanisms of the United Nations, the Commission condemned all violations of the human rights of women, including acts of gender-based violence against them; called for, in accordance with the Declaration on the Elimination of

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For information media—not an official record

Violence against Women, the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State; condemned all violations of the human rights of women in situations of armed conflict, and called for a particularly effective response to violations of that kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy. It also decided to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and its consequences, who would report to the Commission on an annual basis beginning at its fifty-first session; and recommended a draft decision on the subject to the Economic and Social Council for adoption.

With regard to human rights and terrorism, the Commission reiterated the unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations as acts of aggression aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States. It called upon States to take all necessary and effective measures to prevent, combat and eliminate terrorism, and urged the international community to enhance cooperation in the fight against terrorism at the national, regional and international levels.

In a resolution on human rights and unilateral coercive measures, the Commission called upon the international community to reject the use by certain countries of unilateral economic measures against developing countries with the purpose of exerting, directly or indirectly, coercion on the sovereign decisions of the countries subjected to those measures; and requested all States to refrain from adopting any unilateral coercive measure not in accordance with international law and the Charter that created obstacles to trade relations among States and impeded the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular, the right of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services.

Furthermore, the resolution condemned the fact that certain countries, using their predominant position in the world economy, continued to intensify the adoption of unilateral coercive measures against developing countries, such as trade restriction, blockades, embargoes, freezing of assets with the purpose of preventing those countries from exercising their right fully to determine their political, economic and social system and freely to expand their international trade. It requested the Secretary-General to submit a report to the Commission on Human Rights at its fifty-first session on the coercive measures unilaterally implemented against developing countries.

The resolution was adopted by a roll-call vote of 23 in favour to 18 against, with 12 abstentions.

Speaking on the resolution, JOHN CROOK (United States) said that it addressed political matters which did not concern the Commission. Measures were sometimes needed to encourage adherence to international environmental

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agreements or to restrain the spread of weapons of mass destruction. The delegation disagreed with the entire premise and hoped that divisive, confrontational resolutions such as that one would not be needed.

Under a resolution on regional arrangements for the promotion and protection of human rights in the Asia and Pacific region, the Commission endorsed the decision of the Government of the Republic of Korea to host an Asia-Pacific regional meeting in 1994 at Seoul on the region's consultative mechanism; and encouraged all States in the Asia and Pacific region to consider further the establishment of regional arrangements for the promotion and protection of human rights, taking into account the various approaches and mechanisms identified in the Chairman's concluding remarks at the second Asia-Pacific Workshop held at Jakarta.

It appealed to all Governments in the Asia and Pacific region to consider making use of the possibility offered by the United Nations to organize, under the programme of advisory services and technical assistance for the promotion and protection of human rights, information and/or training courses at the national or regional level for appropriate government personnel; encouraged States in the region to request assistance for such purposes as regional and sub-regional workshops, seminars and information exchanges designed to strengthen regional cooperation for the promotion and protection of human rights; and also encouraged all States in the region to consider ratifying and acceding to international human rights instuments adopted within the framework of the United Nations system.

The resolution was adopted by a roll-call vote of 45 in favour to 1 against (United States), with 7 abstentions.

Speaking on the resolution, JOHN CROOK (United States) said that it contained language which they could not accept. Regional meetings should be funded regionally and were not the best recipients of advisory services.

With regard to the protection of human rights in the context of human immuno-deficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), the Commission called upon all States to ensure that their laws, policies and practices, including those introduced in the context of HIV/AIDS, respected human rights standards and did not have the effect of inhibiting programmes for the prevention of HIV/AIDS and for the case of persons infected with HIV/AIDS; also called upon all States to take all the necessary steps, including appropriate and speedy redress procedures, to ensure the full enjoyment of civil, political, economic, social and cultural rights by people with HIV/AIDS

It urged all States to review their legislation and practice to ensure the right to privacy and integrity of persons with HIV/AIDS and those presumed to be at risk of infection; expressed its grave concern about the risk which the continuing exploitation of children and child prostitution posed for the transmission of HIV, and called upon the Special Rapporteur on the sale of

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children, child prostitution and child pornography, the Committee on the Rights of the Child and the Working Group on Contemporary Forms of Slavery to pay sustained attention to this question.

On strengthening of the rule of law, the Commission endorsed the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations, to be coordinated by the Centre for Human Rights, to help States in the task of building and strengthening adequate national structures which had a direct impact on the overall observance of human rights and the maintenance of the rule of law. It expressed its conviction that such a programme should be able to provide, upon the request of the interested Government, technical and financial assistance for the implementation of national plans of action as well as specific projects in reforming penal and correctional establishments, education and training of lawyers, judges and security forces in human rights, and any other sphere of activity relevant to the proper functioning of the rule of law.

In a resolution on the proclamation of a decade for human rights education, the Commission urged States to develop programmes and books for the teaching of human rights in primary and secondary education; encouraged the human rights monitoring bodies, in particular the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the Committee of Elimination of Discrimination against Women, to intensify their efforts in relation to the implementation by States parties of their possible treaty-based obligations regarding education and aspects of education linked to human rights. It encouraged the United Nations High Commissioner for Human Rights to include among his specific objectives a plan of action for the "United Nations Decade for Human Rights Education".

In a resolution on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights, the Commission requested the Centre for Human Rights to finalize its comprehensive review of the programme of information and publications in human rights, including the elaboration of a new information strategy; urged the Secretary-General to utilize more fully and effectively United Nations Information Centres for the purpose of timely dissemination of basic information and reference materials on human rights and fundamental freedoms; requested the Department of Public Information (DPI) to make full use of its available resources to produce audio-visual materials on human rights issues; and stressed that the Centre for Human Rights should have full responsibility for all United Nations publications in human rights.

Concerning human rights and thematic procedures, the Commission encouraged Governments to respond expeditiously to requests for information made to them through the procedures, so that the thematic Special Rapporteurs concerned, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention could carry out their mandates effectively; and encouraged Governments encountering problems in the field of human rights to cooperate more closely with the Commission through the pertinent thematic procedures, in particular by inviting a thematic Special

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Rapporteur or Working Group to visit their countries. It requested the thematic Special Rapporteurs and Working Groups to include in their reports comments on problems of responsiveness and the result of analyses; and called on the thematic Special Rapporteurs and Working Groups to include in their reports gender-disaggregated data and to address the characteristics and practice of human rights violations under their mandates that were specifically or primarily directed against women.

Under a resolution on national institutions for the promotion and protection of human rights, the Commission encouraged all Member States to take appropriate steps to promote the exchange, including by national institutions, of information and experience concerning the establishment and operation of such national institutions; encouraged Member States to establish or, where they already existed, to strengthen national institutions for the promotion and protection of human rights; requested the Secretary-General to give a high priority to requests from Member States for assistance in the establishment and strengthening of national institutions; and requested the convening of a third international workshop of national institutions during 1995 in either Latin America or Asia.

With regard to strengthening the Centre for human rights, the Commission requested the Secretary-General to enhance further the role and importance of the Centre for Human Rights, under the overall supervision of the High Commissioner for Human Rights; requested the Secretary-General to ensure that sufficient resources from within the regular budget of the United Nations were accorded to the Centre for Human Rights; and requested in particular the Secretary-General and the General Assembly to ensure that appropriate additional staff and resources from within the existing and future regular budgets of the United Nations were accorded to the Centre to enable it to carry out, in full and on time, the mandates contained for the Centre in the Vienna Declaration and Programme of Action.

In a resolution on composition of the staff of the Centre for Human Rights, the Commission reaffirmed that Article 101, paragraph 3, of the Charter should guide the Secretary-General in his policy for the recruitment of the staff of the Organization, in particular taking into account the criteria of equitable geographical distribution; and requested the Secretary-General to adopt the necessary measures to pay particular attention to the recruitment to the Centre for Human Rights of personnel from developing countries, to ensure equitable geographical distribution, and in this regard to give priority in particular to recruitment to high-level and Professional posts and also to the recruitment of women.

The resolution was adopted by a roll-call vote of 36 in favour to 15 against, with 2 abstentions (Cyprus and Romania).

Speaking on the resolution, ROSS HYNES (Canada) said that the text of the resolution did not, among other things, give an accurate impression of the staffing of the Centre for Human Rights.

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With regard to the situation of human rights in Albania, the Commission called upon the Government of Albania to pursue its positive steps towards meeting the requirements under the International Bill of Human Rights and other relevant international instruments, by which the human rights and fundamental freedoms of all Albanian citizens, including the rights of persons belonging to minorities, would be effectively promoted and guaranteed; and encouraged technical cooperation between the Centre for Human Rights and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, on the one hand, and the Government of Albania, on the other.

In a resolution on assistance to Guatemala in the field of human rights, the Commission recognized the efforts made by the President of Guatemala and urged him to continue to adopt the necessary urgent measures to consolidate the democratic institutions and to promote and protect human rights and fundamental freedoms; regretted that the undertaking by the Government to guarantee full enjoyment of human rights and fundamental freedoms had not yet assumed practical form through a more significant improvement, since serious violations of human rights continued to occur, particularly threats and intimidation and crimes against the lives and physical integrity of individuals; and urged both parties to respect the applicable rules of international humanitarian law in the internal armed conflict and to refrain from any activities that might endanger the rights of the great majority of Guatemalans, who were not involved in the conflict.

In addition, the Commission exhorted the Government to adopt the necessary legal and political measures to guarantee the independence of the judiciary and respect for its decisions, to intensify investigations aimed at identifying and bringing to justice all those responsible for violations of human rights, to provide compensation for the victims of such violations, to ensure that the judicial system could operate with due protection being afforded to judges, investigators, witnesses and relatives of victims, and to facilitate the activities of organizations, both official and non-governmental, concerned with the promotion and protection of human rights.

The resolution recognized the positive work done in defence of human rights by the Human Rights Procurator and exhorted the Government to give him support, as well as to promote concrete activities that would enable the population to attain better living standards, giving priority to the economic and social development programmes, and to strengthen policies and programmes concerning Guatemala's indigenous population. It urged the Government to assist the civilian population displaced by the internal armed conflict and to help them to form their communities; and expressed the hope that the negotiations under way in Mexico City between the Government of Guatemala and Unidad Revolucionaria Nacional Guatemalteca would lead to the signing of a firm and lasting peace agreement in 1994.

With regard to assistance to the Republic of Georgia in the field of human rights, the Commission expressed its serious concern at the persistence of numerous and grave violations of human rights in Georgia, including Abkhazia, such as extrajudicial executions, torture and ill-treatment, including rape, inhuman or degrading treatment of prisoners, looting and

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burning of houses, and deportations of the civilian population; strongly condemned such reprehensible acts and abuses committed by troops or armed groups in Georgia, including Abkhazia; and welcomed the willingness of the Government to cooperate with the Commission on Human Rights and the Centre for Human Rights.

It urged the Government of Georgia and the authorities in Abkhazia to carry out investigations into all allegations of human rights violations, with a view to identifying and prosecuting those responsible; appealed to those in control of the territory of Abkhazia to implement and ensure law and order, to guarantee fully the enjoyment of human rights and to ensure the right of displaced persons to return to Abkhazia and to recover their property; and encouraged a speedy agreement on the country programme discussed between the Centre for Human Rights and the Government and the provision of technical assistance to that Government.

Under a resolution on assistance to Somalia in the field of human rights the Commission urged all parties to the conflict in Somalia to work towards the full implementation of the Addis Ababa Agreement of 27 March 1993; urged all Somalis to work together towards peace and security in Somalia and to guarantee the protection of all human rights and fundamental freedoms for all Somalis; called upon all parties in Somalia to respect international humanitarian law and human rights and criminal justice standards and to protect civilians, United Nations personnel and humanitarian relief workers from injury and death; and reaffirmed the applicability of those human rights standards for all parties in Somalia.

It urged the human rights unit of the United Nations operation to continue to pay particular attention to the provision of assistance with regard to strengthening the police, judicial and prison systems in Somalia; and requested the Secretary-General to extend for 12 months the mandate of the Independent Expert to assist the Special Representative of the Secretary-General for Somalia through the development of a long-term programme of advisory services for re-establishing human rights and the rule of law, and to widen the Independent Expert's mandate to allow him to receive and seek information about and report on the violations of human rights in Somalia, in an effort to prevent human rights violations.

Concerning the situation of human rights in Cambodia, the Commission requested the Secretary-General to assure the promotion and protection of the human rights of all people in Cambodia and to ensure sufficient resources, from within existing overall United Nations resources, for the full implementation of the mandate of the Centre for Human Rights and that of the Special Representative; and took transfer of responsibility for the management of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia from the United Nations Transitional Authority in Cambodia (UNTAC) to the Centre for Human Rights, in order to allow the Centre to implement its programme of activities in Cambodia.

It requested the Centre for Human Rights to assist, with the consent and cooperation of the Government, in providing advice with respect to the

creation of an independent national institution for the promotion and protection of human rights, such as an ombudsman or a human rights commission; expressed grave concern at the indiscriminate use of anti-personnel land-mines in Cambodia and the devastating consequences and destabilizing effects such mines had on Cambodian society; and requested the Secretary-General to renew the mandate of the Special Representative.

Under a resolution on El Salvador, the Commission recognized that, while there had been improvements in the situation of human rights in El Salvador, some negative concerns still existed regarding the observance of the right to life and that the capacity of the judicial system to shed light on and punish human rights violations continued to be unsatisfactory. It urged the Government and the Frente Farabundo Marti para la Liberacion Nacional to intensify their efforts to continue and complete the land transfer programme, the programme for the reintegration of former combatants into society, the deployment of the new National Civil Police, the collection of weapons in the private hands of the armed forces and the adoption of the Act on Private Security Services, in accordance with the agreements.

The Commission expressed its belief that it was important to continue strengthening the Office of the National Counsel for the Defence of Human Rights and to carry out the agreed judicial reforms to ensure its independence and impartiality; and commended the Government on the establishment of the Inter-institutional Investigating Group to investigate human rights violations and punish those responsible, and of the Joint Group for the Investigation of Illegal Armed Groups, set up on the initiative of the Secretary-General and recommended by the Commission on the Truth, and urged all sectors of Salvadorian society to cooperate with that investigation; and decided to extend the mandate of the Independent Expert for one year, for the purpose of providing advisory service to El Salvador and reporting on developments in human rights there.

Regarding the question of trade union rights, the Commission appealed to States to ensure that conditions should be such that all persons under their jurisdiction could exercise their right to organize and to form and join trade unions for the protection of their interests; called upon States to involve representative trade union organizations in effective processes of popular participation and development; urged States to work for the delivery of a healthy and safe workplace; and encouraged Member States to remove as far as possible all forms of discrimination in the workplace with a view to eliminating discrimination against women through adoption of the principle of equal pay for work of equal value.

HENRY STEEL (United Kingdom), speaking on the resolution concerning the effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development, which had been adopted on 25 February, said the country was concerned with the problems of indebtedness, but did not feel it was right to link human rights with indebtedness, and therefore voted against the resolution.

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SHUNJI MARUYAMA (Japan) said that Japan extended and would continue to extend assistance to heavily indebted countries. However, the resolution tried to create new ideas by mistakenly linking human debt with human rights issues. In respect to the resolution on the question of the realization in all countries of economic, social and cultural rights, which had been adopted on Tuesday, Japan was not convinced by the appropriateness of the protocol and the Commission should set up a working group to deliberate this matter.

JOHN CROOK (United States) said the United States supported efforts to alleviate the debt burdens of developing countries, but it could not support the resolution that somehow implied that debt burdens caused human rights violations to occur. That was not true. One would conclude from reading the resolution that the international debt situation had not changed since 1983, when in fact the over-all picture today was much more positive. The Commission was ill-equipped to deal with matters of international finance; it was not the Commission's business, and the subject should be left to experts.

Rights of Reply

PANAYOTIS CANGELARIS (Greece) said that Turkey had tried to divert attention from its responsibility in the Cyprus issue. Matters relating to occupation, settlement policy and missing persons could not be solved by putting the blame on the other side. Turkey should implement the relevant United Nations resolutions in accordance with the Charter.

LORIA MARKIDES (Cyprus) said that despite the baseless allegations made last night by the Turkish delegation about the condition of the Turkish Cypriot community before 1974, it was not the intention of Cyprus to waste the time of the Commission responding. But one wondered why Turkey had not ventured to submit those allegations to the scrutiny of international agencies and organizations if they were, in fact, true. The facts refuted the allegations. The intent of Turkey was to divert attention from the continued violation by Turkey of the human rights of the citizens of Cyprus.

IQBAL AKHUND (Pakistan), referring to the remarks made by India during the right of reply, said that the fundamentals of the political dispute concerning Jammu and Kashmir should not be discussed here. Regarding the religious-based terrorism that Pakistan was allegedly perpetrating across the border, was India prepared to put the allegations before some independent body? Furthermore, was India prepared to release the Kashmiri leaders as well as the thousands of other Kashmiris, and withdraw its draconian laws giving Indian security forces immunity from any responsibility?

T.N. KAUL (India) said the Pakistani delegate would find his questions were answered if he would only read India's previous statement with care. The situation in Kashmir was open to scrutiny by the whole world. Indian and foreign media had visited Kashmir, and many international organizations had been invited. Pakistan's call for self-determination in Kashmir on the lines of religion would set a very dangerous precedent for pluralist,

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multi-religious societies around the world. Pakistan had not fulfilled the basic recommendations made by the United Nations that it should remove all its forces from the area before Kashmiris exercized self-determination.

BOGAC GULDERE (Turkey) declared that the purpose of Greece's statement was largely polemical while negotiations were going on between the communities.

Mr. AKHUND (Pakistan) stated that the Indian representative had not replied, as usual, to the precise questions asked of him. Would India allow United Nations observers who were already on the spot the right to make an independent verification of India's charges against Pakistan of religious terrorism? Was India ready to rescind the laws that allowed Indian authorities to exercise arbitrary power? Were they prepared to allow free, unconditional access to human rights organizations?

Mr. CANGELARIS (Greece) said that its statement had not been polemical, that the rule of law must prevail and that the United Nations resolutions must be implemented.

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